

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – February 20, 2019
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



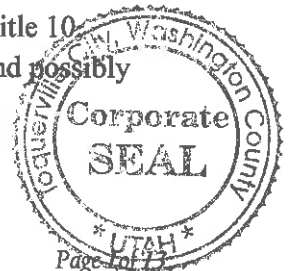
Present: Planning Chair Manning Butterworth; Commissioners: Chuck Williams, Jake Peart, Rebecca Hansen, Greg Turner, Alternate-Joey Campbell; Staff: Zoning Official Mike Vercimak, City Recorder Dana McKim; Public: Caleen Olsen, Annette Kleinman, Wayne Olsen, Terece Worrell, Clay Worrell, Lynn Chamberlain, Todd Gardner, Brigham Darger, Jane Scott, Randy Scott, Justin Douglas, Tiffany Douglas, Jenny Chamberlain, Gene Wilder, Duane Klamm, Mark Fahrenkamp, Mike Walker, Shelly Walker, Troy Wall, Jordan Wall, Delos Elison, Travis Sanders, Ralph Christensen, Anita Eaton, David Browning, Tonya Browning, Trish Callaway, Jay Calloway, Kent Havens, Katie Christensen, Roger Watters, Lavita Watters, Kent Sundberg, Leah Matheson, Scott Otterstrom, Patricia Otterstrom, Randi Ashby, Newell Matheson, Stacy Eaton, Darlene Wilder, Brad Stirling.

6:30 PM WORK MEETING:

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

1. Discussion of proposed Land Use Code changes to Home Occupation Permits:

A group effort from the City Attorney, Mike Vercimak, Manning Butterworth, and recorder McKim helped review and make suggested changes to Title 10, Land Use Regulations, Chapter 23-Home Occupations. The suggested changes are not yet in Ordinance form. One of the challenges in changing the home occupation process is because the terms and requirements are weaved throughout various chapters of the Toquerville City Code. It was found the home occupation process followed the conditional use permit process but was not technically considered a conditional use permit, whereas the use would run with the land. Butterworth provided an updated flow chart to disentangle the home occupation and conditional use permit process. The chart should provide clarification for personnel and staff. Hansen was supportive of the proposed changes and was thought the commission should strive to strike a balance of streamlining the application process while protecting the preservation of residential and agricultural neighborhoods. It was suggested home occupations would be identified as permitted uses instead of conditional uses in various districts and zones, if they obtained a current home occupation permit. An applicant will fill out a home occupation questionnaire to include sixteen different questions pertaining to conditions for the use. Butterworth suggested one of the vehicle weight limit requirements should change from a maximum of one-ton gross weight to an increased value of 12,000 pounds or six tons. Most full-size pickup trucks weigh over one ton now and should be allowed to be a part of the home occupation permit application. A copy of the Home Occupation questionnaire was provided to the Commission. All home occupations currently require the applicant to apply for a business license, which the Planning Commission also approves. Peart didn't understand the two different definitions of home occupation in Title 10, Chapter 2 and in Title 10, Chapter 23. The commission should look at the definitions and possibly



provide consistency. There was a brief discussion on whether to limit the number of garage sales before requiring a home occupation permit. Butterworth asked what if a home occupation requires more than the normal use of a home residence, i.e. structural, electrical, or plumbing changes. Vercimak stated if it reaches beyond the normal use of a home the City would require a conditional use permit, like a commercial kitchen or a beauty salon. Butterworth suggested the business license chapter should also be reviewed for continuity. Vercimak suggested staff should permit a business license and not be tied to the home occupation chapter. If a home occupation outgrows or expands on the use, it may be difficult to quantify an expansion. Vercimak's staff comments always include the permit cannot be changed, modified, or expanded upon. The commission was unsure if they wanted to add the caveat into code. If a nuisance complaint is received by staff, the commission or staff could investigate the allegations and revoke the permit if needed.

The work meeting was adjourned at 6:49 p.m.

A short break was taken by all in attendance.

7:00 PM REGULAR MEETING:

Chair Butterworth called the meeting to order at 7:00 p.m. Commissioner Jake Peart led the Pledge of Allegiance. There were no commissioner disclosures, nor declarations of conflict from the commission.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on January 23, 2019:

Commissioner Greg Turner moved to approve the meeting minutes from January 16, 2019, and not on January 23rd as stated on the agenda. The motion was seconded by Rebecca Hansen. Motion carried 4-1. Commission Vote: Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Chuck Williams-aye, Jake Peart-abstention.

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 were voiced.

C. REPORTS

1. Planning Chair, Manning Butterworth:
No report was given.
2. Commissioners:
No reports were given.
3. Zoning Official, Mike Vercimak:
No report was given.
4. City Council/Planning Commission Liaison, Alex Chamberlain:
No report was given.

D. PUBLIC HEARING:

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



1. Zone Change Application submitted by Matt Wathen located between Anderson Junction Road and I-15, Property Tax ID # T-3-0-22-233. Parcel is approximately 7 acres. Property is zoned R-1-20. Proposed zoning is M-1 Light Industrial:

Chair Butterworth read the written submission prepared by Anderson Junction Residents:

Objection to Zoning change from R-1-20 to M-1 on Parcel# T-3-0-233

Anderson Junction area landowners are strongly against the proposed zone change application submitted by Matt Wathen concerning parcel 4 T-3-0-22-233. The proposed zoning change is from R-1-20 to light industrial M-1. Anderson Junction landowners/residents (representing 90% of the area homes) do not support the application due to adverse effects by the proposed zone change. The following bullets outline the negative effects:

- Many current property owners have lived in Anderson Junction for more than 25 years. Applicant Matt Wathen has never lived in the area. Their family purchased the property as an investment four years ago, and have been trying to sell their three parcels for the last two years. It is apparent the Wathen's desire to flip the property to maximize profit through rezoning. It appears there is little regard to the other property owners in the area.
- If zoned light industrial it would:
 - a. Lower property values
 - b. Increase car and large truck traffic
 - c. Noise and pollution levels would increase
 - d. Larger industrial buildings would block views and possibly attract additional industrial parks in the area of Anderson Junction. A precedence might be established for additional approvals of M-1 zoning changes.
 - e. Increase truck traffic would further deteriorate Anderson Junction Road at the cost of Toquerville city for frequent road repairs.
 - f. The interchange at Anderson Junction Road, Utah Highway SR 17 and Interstate 15 is not designed for industrial traffic. Many serious traffic incidents have already occurred.
 - g. Pedestrians and our grandchildren are at risk walking on Anderson Junction Road.

There is no need for this zoning change. Anderson Junction area already has several M-1 properties available next to SR17 and on the frontage roads on both sides of I-15. Please preserve the old ranching charm of Anderson Junction. The following landowners/residents are strong against the approval of the zone change application:

Newell and Leah Matheson - 2000 Anderson Junction Road

Scott and Patty Otterstrom - 1962 Anderson Junction Road

John Kinsey - PO Box 158

Michael and Shelley Walter - 1881 N. Seven C's Lane

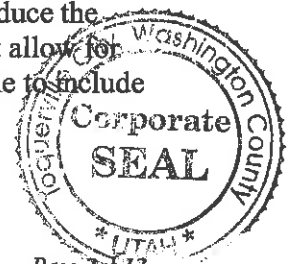
Charles U. Schlicht - 1901 N Seven C's Lane

Reid Madsen - 1920 N Anderson Junction Road

Roger and Lapita Watters - Lava Pocket Drive

Residents signed their name to the petition.

Todd Garner from Alpha Engineering and the Washington Fields area was in attendance on behalf of the applicant. Mr. Wathen could not attend the meeting due to weather conditions. Mr. Wathen and Garner attended a development staff meeting several months ago to introduce the idea of an RV, Boat, and Self-Storage concept on the parcel. The zoning code did not allow for the use in any zone. The commission discussed the use and found the appropriate zone to include



the use would be light industrial. Based on the decision made, the applicant applied to rezone the property as light industrial. The adjacent property to the west of the property is currently zoned highway commercial. A lot line adjustment applicant has not been submitted yet. The applicant did not want to split the lot if the zone change was denied.

Scott Otterstrom from Anderson Junction:

The submission read earlier was signed by 12 of the 14 property owners in the area. The strong objection to the proposed zone change was derived from various factors. One of the factors was decreased property valuation. Owners in the area believe if the property is changed to light commercial with the permitted and conditional uses will affect the property values of the surrounding neighborhood. Another factor was an increase in truck traffic. The local residents already have issues with the Gilbert Trucking extraction permit out in the county. Anderson Junction road conditions are not ideal, with many potholes. The idea to increase traffic would further damage the roadway. The increase in noise pollution and large industrial buildings would have an adverse effect on the neighborhood. Otterstrom does not know how large the industrial buildings would be but assumed the structures would be larger than a single-family residential home and detract from scenic views. He fears for the safety of the pedestrians due to the increase in traffic. Approximately 50 feet from the proposed zone change is a residential neighborhood, where residential homes are occupied by Toquerville residents.

Rebecca Hansen asked if Otterstrom was against the zone change or the proposed conditional use. Otterstrom was against the zone change and wanted to preserve the area originally zoned as residential. He understood there is MU-20 (multi-use) and highway commercial zoned property in the area but wanted the commission to preserve the current residential zoned property for the health, safety, and welfare of the current residential community in the Anderson Junction area of Toquerville. He acknowledged the various zones and the possibility of development to occur in those zones. He wondered why the applicant is not developing the highway commercial zoned property located west of the proposed location. He does not want an industrial use across the street from his residence.

Mike Walker from Old Hwy 91:

Walker asked if the Anderson Junction Road will be redeveloped to accommodate the traffic for the future Toquer Reservoir. He asked if the road will be rerouted, the traffic will drive past his home. Due to the current county extraction permit traffic, he is against the increase in traffic on a dirt road. His desire was to preserve the current residential neighborhood.

Newell Matheson from Anderson Junction Road:

Mr. Matheson explained that thirty years ago they purchased the property at Anderson Junction because it was located in an isolated area. They didn't want to be surrounded by manufacturing buildings. They bought and built a home when the property was located out in the county. Over time, they became a part of the municipal jurisdiction of Toquerville. The applicant of the proposed zone change proved to not be a mindful neighbor by grading the land without a proper permit, tearing down all the trees, putting a pile of large rocks 10 feet high by 20 feet in diameter alongside the property, and creating an eyesore across the street from his home. He would appreciate if the commission would preserve the current zoning and not allow for the proposed zone change. He believes if the zone change is granted it will affect property values in the area. He vehemently opposed to the granting of the zone change.

Wayne Olsen from Old Church Road:



Years ago, when a SID (Special Improvement District) project was planned for the Anderson Junction area, the commission and council got together and decided how to best designate the zoning for that area. In his opinion, the commission should respect the prior planning and take into consideration how the change will affect the residential neighborhood. He wouldn't want a light industrial zone across from his home.

Leah Matheson from Anderson Junction Road:

Is strongly opposed to the proposed zone change. She does not want the property developed adjacent to her home that would detract from the property value. The Matheson family built their home themselves and love their special community. She urged the commission to look at the nearby homes and take into consideration the property is located across the street. She asked the commission to respect the neighborhood and deny the application.

Roger Waters from the Anderson Junction area:

Objects to the zone change proposal. He has forty acres in the area and objects to the increase in traffic. The future road will be moved by the Washington County Water Conservancy District, and will access his property and will direct more traffic through his property.

2. Zone Change Application submitted by 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:

A map of the proposed zone change was displayed on the whiteboard for the public view.

Troy Wall, the applicant of the proposal:

As requested by the City Council he provided a buffer zone to the adjacent properties to include 15, R-1-20 zoned lots and submitted a preliminary plat. His proposal will provide secondary access off of Center Street. The development brings a benefit to the city. A 4" pressurized line will be installed along with a sewer lift station. Lots around the park and on Old Church Road will benefit from the station and a secondary access. He was approached by several people advising him his development will help with secondary access for the Westfield area. He is asking for the zone change so to build custom homes on 12,000 square foot lots. The plan is not to build low-income housing options or develop the land to accommodate tract homes.

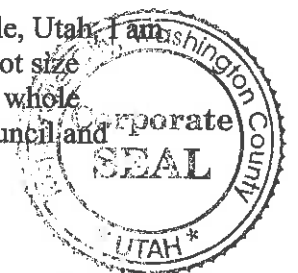
Ralph Christensen from Center Street:

He asked why the property owner is asking for a zone change when they knew the property was zoned as R-1-20. Mr. Christensen lives on Center Street and is concerned about the future increase in traffic to the area. He asked if the zone change was submitted for financial gain. He believed if the change is granted, his property will decrease in value. He was against the proposal.

Chair Butterworth read a letter submitted to the Commission to be read regarding public hearing items 2 and 3:

To Whom it may concern,

I am Sophia Meehleib, a homeowner at 210 West Old Church Rd. in Toquerville, Utah. I am writing to both the City Council and Board Members to protest the request for lot size changes from 1/2 acre lots to 1/4 acre lots and to tell of my frustration with this whole situation regarding Troy Wall asking AGAIN for a zone variance. The town council and



community already voiced their opinion and decision regarding making those lots at the end of Old Church Rd, 1/4 acre lots in December of 2018. The community voiced its desire and explained in length why we do not want 1/4 acre lots there.

Beginning with the fact again that the current bridge on Old Church Road and the current road cannot physically support the amount in traffic, as well as the weight of trucks and vehicles that will be passing on the road and bridge if this change were allowed. This current neighborhood that has 1 and 2 acre lots with space and quiet and peaceful views all around cannot suffer and have its natural environment negatively affected because someone changed their minds after buying property knowing full well it was zoned for 1/2 acre lots. To change the already assigned lot sizes, even though he is now proposing to first put in 1/2 acre lots and then further down the physical road to put in 1/4 acre lots, does not change any of these facts that it will negatively affect the neighborhood as well as the environment. These homes will be for lower-income families, these families will not be as stable in regards to staying there long term nor will it be in keeping with the style and open air space around the homes that already exist. If someone wants this, then move or build in an area that it already is zoned for such.

Mr. Wall gave the excuse at the last meeting that he originally bought the property for his own home/ranch, but that because he could not get irrigation water up to the home he didn't want to use the land for this now but changed his mind. So because Troy Wall did not do his due diligence when initially buying the property and finding out later that he might not be able to have irrigation water for his own home that he originally bought the property for, is not our concern. I'm sure he could figure out a way to be able to pump irrigation water up the hill anyways if he really wanted it. He seems like a very capable man and astute businessman. So this is not, in my opinion, a valid reason to then turn the land into smaller 1/4 acre lots. It seems that when purchasing the land this might have been his intention to begin with.

Hence, I vehemently oppose changing these or any future areas down this old Church road, to 1/4 acre lots. Please consider the impact you are placing on all of these families to take time out of our lives and be away from our children and families by having to repeatedly show up to town meetings or email letters if we cannot be there.

Sincerely,
Sophia Meehleib
210 W. Old Church Road
Toquerville, UT 84774

Justin Douglas resides on Mulberry Drive, but is building a home on Old Church Road: He has a huge concern of the proposed sewer potential going thru his property. He developed his home to run on a septic system. He is not in favor of a main sewer line to run through his property. His family has no desire for extra traffic and changes to the roadway. Old trees will be cut down and removed if the roadway is updated. He is against the proposed zone change.

Brig Darger from Old Church Road:

He lives west of Sophia Meehleib. He agreed with her statements made in the letter. He moved to the area because of the bigger lots. He was against the development of smaller lots and the widening of the road and the bridge because it would create an increase in traffic and noise pollution.

Mark Fahrenkamp from Old Church Road:



He thought the buffer zone created by the Wall developers was a step in the right direction. To create smaller lots on the back side of the property was not a good idea. Years ago, the property was zoned agriculture and rezoned to R-1-20. He objects to the increased density because it puts too much traffic pressure for both Center Street and Old Church Road. It didn't make sense to him why the city would tear up a four-year-old road to install a new sewer system when the residents are on their own septic systems and there isn't interest to hook into a new system. He thought the commission is aware of the feelings of the local area residents.

Gene Wilder from Pecan Lane:

He is against the pressure to develop the pioneer town and would like to preserve the small-town feel. His family recently sold a portion of their land to a purchaser to build one residential home on a seven-acre lot. He was opposed to a new subdivision development in the area.

Randi Ashby from Old Church Road:

She was against the smaller lot development. The local area residents know development is going to come but to change half-acre lots to quarter-acre lots is not necessary. She stated the developer may say the idea was to make custom-built homes but believed that people are more likely to stay long-term residents in half-acre lots, than quarter-acre lots. She was against the zone change and didn't want the area to include smaller lots.

Katie Christensen from Old Church Road:

Christensen is concerned for the safety of the neighborhood. She recently contacted law enforcement because of a young man loitering in the area. Law enforcement told her that with the new development of the area will increase call volume for law enforcement. She was against the zone change proposal and encouraged the commission to listen to the people of the community. She would like to preserve the wonderful community and not increase density and crime rates. She thought the larger lots will draw property owners to care for the property and stay longer. Another concern with smaller lots was parking. She noticed the quarter-acre lots tend to have more parking on the side of the road and didn't want the land to mimic the Westfield Road area.

Jay Callaway from Ash Creek and Old Church Road:

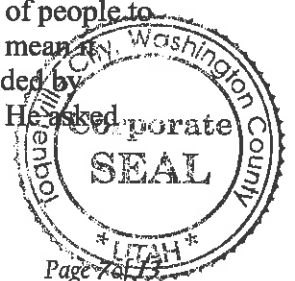
He was opposed to the increase in density. The zone change should always be tied to a benefit to the city and the community. To increase the density doesn't provide a benefit or enhance the community. The property is zoned half-acre. He thought to change the zone was premature in relation to the development of the bypass road.

Randy Scott from Old Church Road:

Scott has been visiting the area since he was a small child. He was opposed to the development of quarter-acre lots. He would like to purchase a larger lot but is unable to do so due to property prices.

Jordan Wall:

Mr. Wall wished he could see a zoning map of Toquerville from fifty or sixty years ago. If they did, Toquerville would probably be mostly agriculture zoned property. The developers were aware of the zoning when the property was purchased but thought it was unfortunate of people to think only larger lots will be properly cared for. Just because a lot is smaller doesn't mean it won't be kept up. The first home he purchased in St. George was a small lot surrounded by larger lots. His property was significantly better cared for than his neighboring lots. He asked



the commission to look at what the best would be for Toquerville as a whole, and not for a select few. Growth will affect the whole community and not just the property owners alongside two streets. Future development may provide the city to obtain an elementary school or a small café. Development is not always negative. Growth is going to happen and encouraged good growth to occur. The subdivision will be established with strong CC&R's. Mr. Wall is planning on building a house in the subdivision and doesn't want to live in a junky neighborhood. The best communities are well integrated. He appreciated the community attendance and their dedication to providing public input.

Wayne Olsen from Old Church Road:

He thought all the input was great from the community members. Toquerville residents are not living the developer's dream. When the city was rezoned there was a reason for the zoning. The quarter-acre lots will not blend in with the existing neighborhood. Existing residents wanted larger zoning and that's what they wanted in the General Plan. He sees no reason to increase the density with elevation changes. He didn't want to see rows of houses that are ten feet away from one another. The sewer development is not a benefit to the community because nobody on Old Church Road is interested in hooking up to the system. In Toquerville, "It's the People". That's what the people wanted for zoning and expect to have. He doesn't want to see quarter-acre lots. He doesn't see how the developer will meet the code's nine criteria. The public is telling the commission what the residents want to see in the area that will affect the whole town, not just two streets. He would like to preserve the harmony of the community.

3. Preliminary Plat Application submitted by Wall Family Rentals for the development of a 15 lot subdivision, "Park View at Desert Mountain" located at the west end of Old Church Road, Property Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Parcel is approximately 9.86 acres. Current zoning is R-1-20:

Wayne Olsen from Old Church Road:

He was supportive of the preliminary plat application and the preservation of the R-1-20 zone. This is what they envisioned the area to be developed.

Troy Wall:

The preliminary plat meets the current zoning. The area was developed as a buffer area. The reason for the smaller lots further down the property was due to elevation changes.

Callen Olsen from Old Church Road:

She asked about the bridge on Old Church road. She wondered when development comes to the area if there is something the city can do to improve the bridge and roadway. The current road width is lacking. Sometimes when two cars are driving down the road it doesn't accommodate safe pedestrian traffic. There are some blind spots on the road. To increase traffic would cause a liability.

Chair Butterworth moved out of the public hearing portion of the meeting and proceeded with the business items.

E. BUSINESS/ACTION ITEM(S):

1. Discussion and possible recommendation to City Council on a Zone Change Application submitted by Matt Wathen located between Anderson Junction Road and I-15, Property Tax ID #



T-3-0-22-233. Parcel is approximately 7 acres. Property is zoned R-1-20. Proposed zoning is M-1 Light Industrial:

Chairman Butterworth explained there were nine criteria from the Toquerville City Code the commission will be tasked with to evaluate the zone change request. They were read as follows:

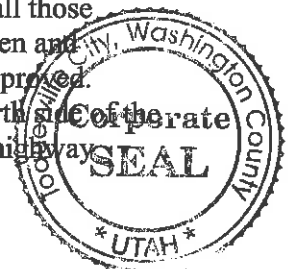
Standards For Review: No zone district amendment shall be approved unless the planning commission finds that the amendment meets the following standards and conditions:

1. Addresses a recognized and demonstrated need in the community;
2. Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass and circulation;
3. Will not result in an over-intensive use of the land or excessive depletion of natural resources;
4. Will not have a material adverse effect on community capital improvement programs;
5. Will not require a level of community facilities and services greater than that which is available;
6. Will not result in undue traffic congestion and traffic hazards;
7. Will not cause significant air, odor, water, light or noise pollution;
8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the city; and
9. Will meet the requirements of the general plan.

Turner looked at the nine requirements and didn't think it met all nine requirements. He was unaware of the opposition of the community members prior to the meeting. While he may not agree with all the comments made by the public, he wasn't sure how to validate or quantify the standards. Commissioner Williams wanted to know how the future road will be developed to properly assess traffic congestion and traffic hazards. The petition submitted by the local area citizens should be taken into consideration. Based on his opinion, he was against the zone change. Commissioner Peart said he looked at the property and the surrounding area and brought to light the zoned residential neighborhood is near an interstate. He would like to review the light industrial zone code. He has seen several storage facilities located along interstate traffic. Commissioner Hansen recalled the reason for the commission's decision to add storage facilities in an industrial zone. The commission was not opposed to adding the conditional use in the industrial zone. Due to the public input received, the zone may not fit the area. She would like to wait to see how the road is developed before making a zone change decision. UDOT is in charge of the interchange development. A proposed plan was circulated, but no official adoption has been made. She suggested the zone change may influence what will be developed in the adjacent commercial zoned property. Peart thought with three major roads in the area, there is a level of expectation the zone will change.

Chairman Butterworth stated the decision made will need to be derived from a finding of facts based on the nine criteria, and not based on public clamor.

Commissioner Hansen and Turner asked how the traffic can be evaluated if there are plans to change the road design. The application has to be evaluated with the current infrastructure, and not the future plans. Vercimak stated when the road does change; access and utilities to each property will be required. When the road is redeveloped the engineer will address all those needs. The application submitted is for a zone change and not a specific use. Hansen and Butterworth discussed what the possible results would be if the zone change was approved. Turner cited from the general plan, the area is planned for light industrial on the north side of the interstate. Peart asked if the recorder could provide the uses in both industrial and highway



commercial zones. Documents were provided to the commission with a copy of the zoning map. Peart believed the use should be allowed in a commercial use and not industrial. Williams believed the application does not meet the 2nd and 6th standard.

Commission Peart moved to recommend a denial of the Zone Change Application submitted by Matt Wathen. The motion was seconded by Chuck Williams. Motion unanimously carried 5-0. Commission Vote: Jake Peart-aye, Rebecca Hansen-aye, Chuck Williams, Manning Butterworth-aye, Greg Turner-aye.

2. Discussion and possible recommendation to City Council on a Zone Change Application submitted by Wall Family Rentals located near 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:

Commissioner Peart asked the commission how the city was in grave conflict of what the residents really want. He keeps hearing citizens wanting affordable housing for their kids to stay in Toquerville and how water should be conserved, but are against smaller zoning and supportive of one-acre lots. Hansen said there is acreage already set aside for those zones. The community has spoken out and everyone she has been in contact with is against the reduced zoning. She was in favor of keeping the zone as R-1-20. She didn't think that half-acre lots are unmanageable. Peart suggested the smaller zone could be developed with planned open spaces and trails. He was supportive of smarter development ideas with a master plan. Turner believed that out of the nine criteria, five of them do not fit the zone change. In his opinion the application conflicts with items 2,3,5,6, and 9. Peart suggested the city is missing the opportunity to develop the area in a creative way. Hansen thought Peart's suggestion would be a great idea for future development. Williams suggested parking becomes an issue for the smaller lots. He doesn't want to see another area of Toquerville developed with high-density housing. He agreed with Peart to suggest and require developers to create subdivisions with designated open spaces and trails. Councilmember Chamberlain wanted the commission to know without any influence on the vote but thought it should be known if the zoning isn't changed the property owners could add 80 homes to the property. From attendance at the city council meetings the dialogue between the council and the owner was voiced that the property owners aren't trying to squeeze as many lots as possible when developing the property. Peart suggested Toquerville should model lots in the town like Springdale does. He also suggested some design changes should be required to the developer. Hanson was favorable in preserving the larger parcel lots.

Commissioner Chuck Williams moved to deny the zone change application submitted by Wall Family Rentals. The motion was seconded by Commissioner Greg Turner. Motion carried 4-1. Commission Vote: Manning Butterworth-aye, Greg Turner-aye, Rebecca Hansen-aye, Chuck Williams-aye, Jake Peart-nay.

Peart felt future development will not occur if the city is unwilling to work with developers.

3. Discussion and possible recommendation to City Council on a Preliminary Plat Application submitted by Wall Family Rentals for the development of a 15 lot subdivision, "Park View at Desert Mountain" located near the west end of Old Church Road, Property Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Parcel is approximately 9.86 acres. Current zoning is R-1-20:



Chairman Butterworth noticed on the preliminary plat the road continuing on Old Church Road is only 50 feet wide, but the requirement is 60. Mr. Wall stated the access to the development will come from Center Street. A secondary access is required when there are thirty or more homes are developed. Fourteen of the fifteen lots will access Center Street. The staff comments were read by Chairman Butterworth:

Hurricane Valley Fire District: There will need to be approved turn-arounds on all dead-end streets.

Ash Creek Special Service District: The subdivision will need to install a lift station for sewer.

Public Works: A water loop between Center and Old Church will need to be installed.

Improvements to the existing Old Church and Center streets should be evaluated.

A review of the plat indicates that all 15 lots meet the requirements of the Land Use Code. They have the required street frontage and the area required. Street widths and cross-sections noted above are required. The application is still lacking the following items:

- A. Geotechnical and hydrology report
- B. Preliminary landscaping plan
- C. Preliminary ADA report
- D. Tortoise habitat clearance form.

Although the application is missing a few items as of this review, the Planning Commission could still consider the request and base any approval upon the City receiving the missing items. It should also be noted that some of the items lacking would necessarily be covered at the time construction drawings are being prepared and reviewed.

It might be well to consider a Development Agreement by and between the Developer and Toquerville City in as much as there are significant off-site improvements that need to take place i.e.: access roads, utilities and possible bridge improvements.

As part of a recommendation, the Planning Commission could encourage the use of a Development Agreement to address some of these concerns.

A recommendation should also include all comments from Hurricane Valley Fire District, Ash Creek Special Service District and Public Works.

The Planning Commission may suggest the developer provide a development agreement with preliminary plat application. Mr. Wall will dedicate the roadway on the lot near Old Church Road to the City. Mr. Christensen asked if all the traffic would access the subdivision via Center Street. He was against the development of a subdivision with Center Street to be main access. Center Street is already a narrow roadway. Vercimak said those concerns will be addressed during the construction drawing approval process.

Commissioner Rebecca Hansen moved to recommend approval of the preliminary plat application with a recommended development agreement. The motion was seconded by Commissioner Jake Peart. Motion unanimously carried 5-0. Commission Vote: Manning Butterworth-aye, Jake Peart-aye, Chuck Williams-aye, Greg Turner-aye, Rebecca Hansen-aye.

4. Discussion and possible recommendation to City Council on a Final Plat Application of Mesa Views at Trail Ridge Estates - Phase 2, submitted by Mesa View at Trail Ridge Estate LLC for the development of 18 lots on Tax ID# T-3-1-12-33001. Current zoning is R-1-20:

Chairman Butterworth wanted to note this was the first year Toquerville had a home in the Parade of Homes. The spotlight home was located in the Mesa View at Trail Ridge Estate subdivision. Vercimak wanted the commission to know Alpha engineering had some technical remarks on the plat and the applicant will be able to make those changes prior to recording the subdivision plat. The staff recommendations were documented as such:



The owner is seeking final plat approval on Phase 2 of Mesa Views part of the Trail Ridge Estates subdivision.

Preliminary plat was approved at the time phase 1 was constructed.

Phase 2 consists of 8.316 acres and 18 lots. This phase will receive access from Zion Trail North and Zion Trail South. All lots appear to meet the requirements for frontage and area.

Construction drawings for all improvements have been reviewed and accepted by all affected utilities and entities.

The review of the plat by Alpha Engineering revealed a few technical problems with the document as provided. A copy of that review is attached.

Staff Recommendations

After review of the plat and approval of the construction drawings, staff recommends this application be approved with the following conditions:

1. All items in the letter dated February 6, 2019 from Alpha Engineering need to be addressed and corrected.
2. A final Mylar of the plat be prepared and presented to the City of Toquerville for signature and recordation.

Commission Jake Peart made a motion to recommend approval of the Final Plat application as listed on the agenda to City Council. The motion was seconded by Commissioner Chuck Williams. Commissioner Jake Peart amended his motion to include recommendation to the city council with staff recommendations. Commissioner Greg Turner seconded the amended motion. Motion unanimously carried 5-0. Commission Vote: Manning Butterworth-aye, Chuck Williams-aye, Greg Turner-aye, Rebecca Hansen-aye, Jake Peart-aye.

Commissioner Hansen wanted to say that the commission is in favor of growth when the development meets the current zoning.

F. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Conditional Use Permit at 1091 South Toquerville Boulevard for Diamond G Ranch and Rodeos/Steve and Cindi Gilbert
2. Conditional Use Permit at 945 South Westfield Road for Mesa View Bed and Breakfast/Rebecca and Ernest Olsen
3. Conditional Use Permit at 47 South Ash Creek Drive for Lynn Olds Construction/Lynn Olds
4. Conditional Use Permit at 590 South Toquerville Boulevard for Pearson's Meats/Randy Pearson
5. Conditional Use Permit at 325 West Old Church Road/Phoenix House Bed and Breakfast/Mark and Toni Fahrenkamp
6. Conditional Use Permit at 108 North Toquerville Boulevard for Toquerville BnB/Thomas Harmon
7. Nightly/Short-Term Rental Permit at 216 Mountain Charm Road for Mountain Charm Retreat/Gary Chaves
8. Nightly/Short-Term Rental Permit at 203 North Ash Creek Drive for Ollie's Rentals/Wayne and Caleen Olsen



City Staff has not received any complaints regarding any of home occupation or conditional use permits listed on the agenda. The Conditional Use Permit for 47 South Ash Creek Drive will require the renewal of a business license pursuant to the renewal of the permit.

Commissioner Jake Peart moved to approve the renewals listed on the agenda, with the caveat of Lynn Olds obtaining a business license for his Conditional Use Permit. The motion was seconded by Commissioner Rebecca Hansen. Motion unanimously carried 5-0. Commission Vote: Greg Turner-aye, Jake Peart-aye, Manning Butterworth-aye, Chuck Williams-aye, Rebecca Hansen-aye.

Rebecca Hansen received a comment from a citizen mentioning cattle are being butchered and bled out into the river at 590 South Toquerville Boulevard. The comment was concerning because small children are witnessing the act and the action may be a violation of DEQ regulations. No official complaint has been received by city staff. There was a short discussion of if the city should write a letter or not to the property owner.

G. ADJOURN:

Chairman Butterworth adjourned the meeting at 8:52 p.m.



Planning Chair – Manning Butterworth

3/20/19
Date

Attest:


Toquerville City Recorder – Dana M. McKim



