

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – April 17, 2019
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Chairman Manning Butterworth; Commissioners: Greg Turner, Rebecca Hansen, Jake Peart, Chuck Williams; Alternate Commissioners Joey Campbell and Dan Catlin; Staff: Zoning Official Mike Vercimak, City Council/Planning Commission Liaison Alex Chamberlain, Recorder Dana McKim; Public: Anita Eaton, Jon Cheney, Natalie Cheney.

6:30 PM WORK MEETING:

Chairman Butterworth opened the work meeting at 6:30 p.m.

1. Discussion on modifications to Title 10 Chapter 23-Home Occupations:

The commission discussed the proposed changes to the home occupation ordinance. The changes included modifications to the definition and various sections of the home occupation and conditional use chapter. The ordinance was to streamline the process of obtaining a home occupation permit. Butterworth created a flow chart to give explanation and clarification of the process involved if a home occupation is needed. There was a discussion if the flow chart should be put on the city website with links to an application form. Vercimak suggested to evaluate a home occupation from a conditional use permit is not as simple as clicking a button and thought there were too many different avenues a use may have and the applicant should visit with staff before proceeding with an application. Turner agreed and suggested the applicant should meet with staff before proceeding with an application.

Butterworth asked if the application needed to be changed by the Planning Commission or if it would be modified by staff. Vercimak stated the application will be changed and administered by staff once the ordinance passes at the City Council level.

Hansen asked if one year from now the Planning Commission and City Council could re-evaluate the home occupation process and see the success rate. McKim will slate the item as a discussion item April of 2020. Attorney Snow is in the process of redrafting the business license chapter to remove the Planning Commission from granting business licenses in Toquerville.

The definition in 10-2-1 should reflect the same proposed definition as listed in the home occupation, chapter 10-23.

2. Discussion on possible modifications to Title 10 Chapter 18B-2 Grading Permit Review Process: Zoning Official Mike Vercimak suggested changing the person responsible for administering and granting grading permit from the building department to the Zoning Administrator or authorized city personnel. Grading permits involve dust and drainage. To require the building department approve a grading permit is not appropriate because their scope of responsibilities occur during the time a building permit is submitted, and not before then.

There was a misunderstanding between the Zoning Official and the City Recorder to change the definition of development. Vercimak suggested a change the definition was not warranted at this time in conjunction with a grading permit.

McKim asked if 10-18b-1-B-3 needed modified and asked if a grading permit is required for an area more than 2000 square feet.

The commission discussed if it would be beneficial to research and review the various chapters in Title 10 and make slight modifications.



Hansen asked if the city would be interested in applying for a grant to start a historical commission. The grant was briefly discussed and McKim suggested Hansen should speak with the city treasurer and see if the city has funds for a matching grant. The grant would require the board to acquire someone to be involved with the proper credentials.

7:00 PM REGULAR MEETING:

Chairman Butterworth announced the regular business meeting commencement at 7:00 p.m. Commissioner Chuck Williams led the Pledge of Allegiance. There were no disclosures, nor declarations of conflicts from Commission members.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on March 20, 2019.

Commissioner Chuck Williams moved to approve the meeting minutes from March 20, 2019. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commissioner vote: Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Jake Peart-aye, Chuck Williams-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.

No public comments were made.

C. REPORTS

1. Planning Chair, Manning Butterworth:
No report was given.
2. Commissioners:
Rebecca Hansen was contacted by an Eric Dodge, who had some unique historical Toquerville artifacts, including a trunk with documents. He wondered if the city had a place to display them. She asked if the city had a historical plan. There was brief discussion regarding the information and if Toquerville had the ability to store the items and if the city had a city historian. Mr. Dodge isn't willing to donate them now, but maybe in a few years. The city hall building is not a historical museum at the current time and it may take quite a bit of upgrades to the building before it can be designated as a museum. Anita Eaton suggested copies of the documents should be acquired by the city. Hansen would like the city to look at adopting a plan of historical preservation or resources. Williams suggested more information could be gained from the historical society in St. George. Hansen will try and do some more research regarding historical preservation and give a report in a future meeting.
3. Zoning Official, Mike Vercimak:
No report was given.
4. City Council/Planning Commission Liaison, Alex Chamberlain:
Chamberlain gave a report about exterior lighting importance and how the city council will more than likely ask the ordinance to be revised. At 11:00 p.m. all exterior lights are supposed to be shut off. He suggested that expectation may not be realistic. He gave his perspective on exterior lighting. He described many aspects of exterior lighting, including light glow and how the recent



installation of the LED city street lights impacted the city's dark sky. He asked the Public Works Director to increase the light temperature. A lower light temperature is a warmer light, which emits more orange lighting and preserves the night sky effectively. He stated a standard LED light emits 5000K, which is a standard daylight temperature and emits a blue hue. He explained the cons of that type of lighting. He would like to experiment with the lighting options to try and better preserve the night sky.

Hansen asked if the city would be a proponent to have a night sky festival. The event would educate the citizens about how important night sky preservation is to the community. Chamberlain believed the event would be a great idea. The idea or spirit behind the ordinance is not for the city to become more legislative in nature, but rather to preserve the health, safety, and welfare of the community. There are many resources at the city's disposal, i.e. the astronomy club and he may donate some of his photos for fundraising purposes. The biggest lighting offenders are usually commercial lighting and city street lighting. Exterior home lighting is minimal but becomes a part of the equation in dark sky preservation. Brightness is not the only factor in lighting concerns. Color temperature, lack of shielding, and lighting glare are a few examples of lighting pollution.

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 Ordinance 2019.XX-An ordinance amending Title 10, Chapter 23-Home Occupations to amend the title and purpose, definition of a home occupation and home occupation permit, permit and license requirement, application for permit, approval process, conditions required prior to issuance of permit, notice to nearby property owners, renewal and renewal and revocation or denial of permit. To amend Title 10, Chapter 20-Conditional Uses, Section 3E-Review Process, removal of article E-Exception. To add home occupations with a current home occupation permit as a permitted use and remove home occupations from conditional use in Title 10, Chapter 9A-Agriculture Districts, Section 2-Permitted Uses and Section 3-Conditional Uses; Title 10, Chapter 10A-Single-Family Residential District, Section 2-Permitted Uses and Article 3-Conditional Uses; Title 10, Chapter 10B-RM Multiple-Family District, Section 2-Permitted Uses and Section 3-Conditional Uses; Title 10, Chapter 11A-Multiple Use Zone, Section 2-Permitted Uses and Section 3- Conditional Uses:

Butterworth gave a brief description of the proposed changes.

No public comments were made.

2. Public input is sought on a Conditional Use Permit application submitted by Natalie Cheney for a dance and workout studio at 86 East Kolob Circle, Tax ID# T-TRES-A-1-A. Property is zoned R-1-20:

No public comments were made.

3. Public input is sought on a Home Occupation Permit application submitted by Brady Turnblom for a home office and mobile handyman business at 952 S Mulberry Drive, Tax ID# T-AHP-A-119. Property is zoned R-1-12:

No public comments were made.



E. BUSINESS/ACTION ITEM(S):

1. Discussion and possible recommendation on Ordinance 2019.XX-An ordinance amending Title 10, Chapter 23-Home Occupations to amend the title and purpose, definition of a home occupation and home occupation permit, permit and license requirement, application for permit, approval process, conditions required prior to issuance of permit, notice to nearby property owners, renewal and renewal and revocation or denial of permit. To amend Title 10, Chapter 20-Conditional Uses, Section 3E-Review Process, removal of article E-Exception. To add home occupations with a current home occupation permit as a permitted use and remove home occupations from conditional use in Title 10, Chapter 9A-Agriculture Districts, Section 2-Permitted Uses and Section 3-Conditional Uses; Title 10, Chapter 10A-Single-Family Residential District, Section 2-Permitted Uses and Article 3-Conditional Uses; Title 10, Chapter 10B-RM Multiple-Family District, Section 2-Permitted Uses and Section 3-Conditional Uses; Title 10, Chapter 11A-Multiple Use Zone, Section 2-Permitted Uses and Section 3-Conditional Uses:

Commissioner Rebecca Hansen moved to recommend approval to the city council on Ordinance 2019.XX, with a modification to include the definition of Title 10, Chapter 23 co-inside with the definition in Chapter 10-2-1. The motion was seconded by Commissioner Chuck Williams. Motion unanimously carried 5-0. Commissioner Vote: Jake Peart-aye, Manning Butterworth-aye, Greg Turner-aye, Rebecca Hansen-aye, Chuck Williams-aye.

2. Discussion and possible action on a Conditional Use Permit and business license application submitted by Natalie Cheney for a dance and workout studio at 86 East Kolob Circle, Tax ID# T-TRES-A-1-A. Property is zoned R-1-20.

Butterworth asked Mrs. Cheney if the hours of operation will be from 6:00 am to 9:00 am and will be conducted inside her recreation vehicle garage. The music and noise should not cause a problem for the neighborhood. If the business needs to move to a commercial space, she was more than willing to move the business out of a residential neighborhood.

Chairman Butterworth read the Staff Recommendations:

1. The Applicant shall be required to provide off-street parking for all patrons.
2. The Applicant agrees to keep all artificial sound such as music, to acceptable levels that will not disturb the peace and tranquility of the neighborhood.
3. The Applicant agrees to obtain any and all required local, state and federal permits for the operation of this business.
4. The Applicant agrees not to enlarge, expand, or change otherwise the parameters of this permit without express written consent from the City of Toquerville.
5. This permit will receive an annual review by the Toquerville Planning Commission.

Chairman Butterworth read the standards for review and the applicant agreed to comply with the standards for review:



- a. The harmony and compliance of the proposed use with the objectives and requirements of the City's General Plan and the Land Use Code;
- b. The suitability of the specific property for the proposed use;
- c. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
- d. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
- e. The economic impact of the proposed facility or use on the surrounding area;
- f. The aesthetic impact of the proposed facility or use on the surrounding area;
- g. The number of other similar conditional uses in the area and the public need for the proposed conditional use;
- h. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
- i. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
- j. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use;
- k. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
- l. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

The commission only had concerns about the permit regarding noise and parking. Both items were addressed and if complaints are received the application will be reviewed.

Commissioner Rebecca Hansen moved to recommend approval to City Council with staff recommendations for the conditional use permit and approval of business license for Natalie Cheney's business located at 86 East Kolob Circle. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Manning Butterworth-aye, Greg Turner-aye, Chuck Williams-aye, Rebecca Hansen-aye, Jake Peart-aye.

3. Discussion and possible action on a Home Occupation Permit and business license application submitted by Brady Turnblom for a home office and mobile handyman business at 952 S Mulberry Drive, Tax ID# T-AHP-A-119. Property is zoned R-1-12:

Chairman Butterworth read the staff recommendations:

1. The Applicant agrees to abide by all regulations contained in section 10-23-8 of the Toquerville City Code.
2. The Applicant agrees to obtain all local, state and federal licenses required for the operation of this business.
3. The Applicant agrees not to enlarge, expanded or change otherwise this permit without written authorization from the City of Toquerville.
4. This permit shall receive an annual review by the Toquerville Planning Commission.



The application is for a home office located in the garage for a mobile handyman business. People will not be coming to the home for work and no additional vehicles will be parked at the residence.

Commissioner Jake Peart moved to approve the home occupation and business license for Brady Turnblom at 952 S Mulberry Drive. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commissioner Vote: Rebecca Hansen-aye, Manning Butterworth-aye, Greg Turner-aye, Jake Peart-aye, Chuck Williams-aye.

F. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Conditional Use Permit at 10 Berry Lane for TLW~Terry Watson.
2. Home Occupation Conditional Use Permit 1264 Cholla for Shaun's Taxidermy~Shaun Jaggi.
3. Livestock Conditional Use Permit on Parcel T-10 and T-148-A for Lowe Land TK LLC~Anita Eaton, Laura Lowe, and Lorin Lowe.

There are no complaints on the home occupations or conditional use permits for review.

Commissioner Greg Turner moved to approve the home occupation and conditional use permits as listed on the agenda. Motion was seconded by Commissioner Jake Peart. Motion unanimously carried 5-0. Commissioner Vote: Chuck Williams-aye, Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Jake Peart-aye.

G. ADJOURN:

Chairman Manning Butterworth adjourned the meeting at 7:35 p.m.



Planning Chair - Manning Butterworth

5/15/19

Date

Attest:


Toquerville City Recorder - Dana M. McKim

