

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – October 16, 2019
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Chairman Manning Butterworth; Planning Commissioners: Greg Turner, Rebecca Hansen, Chuck Williams, Joey Campbell; Zoning Official Mike Vercimak, City Council/Planning Commission Liaison Alex Chamberlain, Recorder Dana McKim; Planning Commissioner Alternates: Dan Catlin, David Browning; Public: Gary Chaves, Wayne Olsen, Wendi Merritt, Troy Wall, Jordan Wall, Rob Chambers, Jami Chambers, Jon Cheney, Duane Lewtzenheiss, HR Brown, Kimberlee Barton-Nuttall, Barry Thompson, Jake Peart.

6:30 PM WORK MEETING:

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

1. Discussion on modifications to Title 10, Chapter 17, Section 3, Paragraphs B-Nightly Rental Application Review Process, K-Annual Review of Nightly Rental Permit, P-Notification:

Butterworth would like to keep Paragraphs B and P as written in the code and modify Paragraph K to exclude the requirements of an annual reapplication and a public hearing. Upon an initial application, he believed a public hearing should be required. Turner agreed that a public hearing upon the initial application should continue to occur.

2. Discussion on modifications to Title 10, Chapter 17, Section 3, Nightly Rentals: To clarify primary residence ownership:

Since the desire of the city council and the planning commission was to require the owners of a nightly rental reside in Toquerville, some question came up of if the owner should be present in the city during the rental period. Butterworth spoke with the city attorney and suggested the commission could add a time period or duration requirement of residency during the rental period. To institute the requirement would add responsibility to the rental. Discussion ensued about requiring a 30 day residency time period. Butterworth wanted the commission to know there are properties owned by individuals that don't reside full time in the city and may be living out of the country. The commission discussed different time periods and it was suggested the commission should come up with some ideas for the next meeting. They talked about the pros and cons of a property owner residing in Toquerville for six months and then renting the home out the remainder of the year.

3. Discussion on modifications to Title 10, Chapter 24 Exterior Lighting - Commissioner Hansen:

Hansen provided a document she wanted the commission to review. She thought the current ordinance was mostly sufficient. The areas lacking are regarding enforcement. The commission's vision is to not micromanage the residences, but suggested commercial business should have different standards. She encouraged educating the public on preserving the night sky. She discussed color temperature and suggested to increase the color temperature between 2700-3000. She suggested light trespass should be further clarified to note the light bulb should not be seen when looking at the light fixture, aka shielding. The lighting curfew should only be addressed for security reasons and it is addressed in the ordinance. Security lighting should be active by a motion timer. Butterworth suggested the commission should clarify essential lighting rather than non-essential lighting. Hansen questioned if it was the desire of the commission to classify residential uses of essential lighting.



Wendi Merritt invited the commission to come to her home and see the lights that are being classified as essential lighting and how it affects her home. To let a homeowner define what safety is ruins the rest of the area.

Hansen thought the current ordinance was strong and comparable to other cities. She suggested light trespass could be added to the nuisance chapter. She thought the city recorder shouldn't be designated as the lighting administrator or the code enforcement official, as the position is an ambassador to the city. She briefly discussed the difference between temporary and permanent shielding. To add the word permanent should be understood.

4. Discussion on modifications to Title 5, Chapter 1 Animal Control - Commissioner Turner:

Turner sent an email to the commission to review different items of the animal control ordinance. For the keeping of livestock in the single-family residential districts, a conditional use permit, with payment of required fees, must be reviewed and approved by the planning commission, city council review of permits may be requested by Planning Commission; and a permit may be reviewed annually for code compliance. He suggested the words may be replaced with the word shall.

He asked about bees and the hive ordinance. Ivins has a separate beekeeping ordinance. Bee care and keeping are regulated by the state. He suggested to adopt wording like LaVerkin's code to state, no bees shall be maintained on any property that consists of less than an acre, and no more than two beehives per acre of property shall be allowed. Turner has seen beehives on residential properties around Toquerville. He didn't know if the hives present any problems. Hansen suggested that livestock may not be an actual land use concern but a Department of Agriculture concern. Turner did not want to over-regulate agriculture and will look further into the Department of Agriculture requirements. The commission looked over the proposed point system versus the square footage requirement. Most were favorable for adopting a point system.

Turner asked about roosters and peafowl allowed in residential zones. The city's current code does not allow for those types of animals in residential neighborhoods. Hansen agreed with the current code.

7:00 PM REGULAR MEETING:

Chairman Butterworth called the meeting to order at 7:00 p.m. Greg Turner led the Pledge of Allegiance. There were no disclosures, nor declaration 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 September 18, 2019.

Commissioner Chuck Williams moved to approve the meeting minutes from September 18, 2019. The motion was seconded by Commissioner Rebecca Hansen. Motion unanimously carried 5-0. Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Chuck Williams-aye, Joey Campbell-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.

Wendi Merritt 805 S Peachtree: She agreed that enforcement was an issue. Regarding the lighting ordinance, she thought it was effective. Future residential and commercial ventures will occur and would like Toquerville to be ahead of the game and think proactively.

C. REPORTS

1. Planning Chair, Manning Butterworth:



He continues to look at the building permit chapter and the desire to change permits to adhere to a building pad height requirement that is 12 inches above the road to help with drainage concerns. He will discuss the item during the business portion of the agenda.

2. Commissioners:

Rebecca Hansen wanted the commission to know the current Toquerville exterior lighting code coincides with the international lighting code. She spoke with the Toquerville Public Works director, Lance Gubler about sporting event lighting and how the city could comply with those standards. She hasn't heard back from him but is awaiting to hear information.

Chuck Williams had concerns about the role of the current Toquerville Planning Commission. He would like the commission to be more proactive and involved in the development of the Anderson Junction area, Toquerville Reservoir, and the Bypass Road. He thought the commission should work with developers to present projects to the city council. He believed the city council is presenting to the commission and the chain of command moves backward. He provided a basic outline for commissioners to review processes and applications. Zion National Park has increased tourism to the area and would like the commission to address traffic and what works for the city as a whole.

3. Zoning Official, Mike Vercimak
No report was given.

4. City Council/Planning Commission Liaison, Alex Chamberlain:
Butterworth asked Chamberlain if the city has named a lighting administrator and if that concern could be addressed. Chamberlain will bring the item up for discussion 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 final plat application submitted by Wall Family Rentals LLC for 12 lots located at Center Street and Parkside Drive. Tax ID #s T-91-A-1-A-1 and T-91-A-1-A-2. Properties are zoned R-1-20.

No public comments were made.

E. BUSINESS/ACTION ITEM(S):

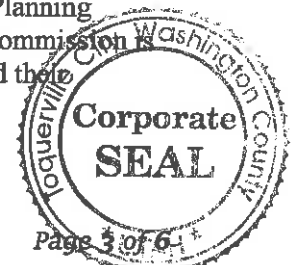
1. Discussion and Possible Recommendation on final plat application submitted by Wall Family Rentals LLC for 12 lots located at Center Street and Parkside Drive. Tax ID #s T-91-A-1-A-1 and T-91-A-1-A-2. Properties are zoned R-1-20.

Hansen thought the construction was reviewed and everything looked like it was in order.

Commissioner Joey Campbell recommended approval to the city council of the final plat application submitted by Wall Family Rentals LLC for 12 lots located at Center Street and Parkside Drive. The motion was seconded by Chuck Williams. Motion unanimously carried 5-0. Joey Campbell-aye, Manning Butterworth-aye, Chuck Williams-aye, Greg Turner-aye, Rebecca Hansen-aye.

2. Discussion and Possible Recommendation on preliminary site plan review submitted by Jon Cheney for a development located at the Anderson Junction area. Tax ID # T-3-0-27-3410. Property is zoned Highway Commercial.

HR Brown gave a quick presentation on the application. He used to be on the Cedar Hills Planning Commission twelve years ago. He agreed with commissioner Williams that the Planning Commission is essential in the city planning process. Their company is not a large developer and explained their



commitment to each project. The proposed project is a gateway to Toquerville off of Hwy 17. The site plan includes 134 RV pads, 40 cabins, a hotel, and a convenience store.

Butterworth asked if the project was Juniper Ridge or Juniper Junction. He clarified the application was Juniper Junction. The developer is obtaining traffic flow, water, and sewer requirements for the project. The application is a rough site and plan and fits within the parameters of the application requirements.

Vercimak believed this application is the first commercial application Toquerville has received. The proposed use meets the zoning requirements. Alpha Engineering provided comments that will be addressed during the construction phase of the project. He described the final site plan application process and how the developer will proceed with their submission. His recommendations would be addressed during the construction phase and should be remedied before filing their final site application. Turner asked if the changes with the new interchange would affect their project. The developer has been in contact with UDOT representative, Matt Rhodes and was aware of the changes, as well as the possibility of the realignment of the frontage road. Brown would like to start the process as soon as possible and will not be waiting on the WCWCD's Toquerville reservoir project to begin. There are three phases in the proposal. The first three phases will be the installation of a convenience store, a hotel, and cabin and RV spots. They are anticipating possibly five phases. Each phase will need to go through an approval process.

Butterworth asked if the applicant will be selling off future phases to different owners. Brown believed a convenience store entity would probably purchase and develop the property under their requirements and the most effective configuration.

Williams asked if the applicant had any artistic renderings or drawings of the proposed application. The applicant stated they did not. Hansen thought the use was an appropriate fit for the future reservoir. Brown asked the commission what they would like to see developed on the proposed property. Turner was against any high rise hotel development. He would like to see some type of restaurant. Campbell suggested they should flip the locations of the gas station and the hotel. To locate a hotel close to the interstate may deter patrons. To locate the gas station closer to the interstate may be a more desirable option.

Commissioner Rebecca Hansen moved to approve the Juniper Junction Preliminary Site Plan application with the Alpha Engineering and Staff recommendations. The motion was seconded by Commissioner Greg Turner. Motion carried 4-1. Greg Turner-aye, Rebecca Hansen-aye, Joey Campbell-aye, Manning Butterworth-aye, Chuck Williams-nay.

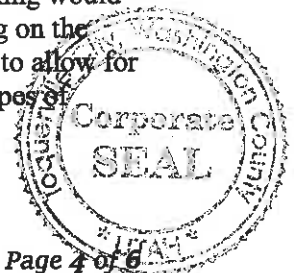
3. Discussion and Possible Action on a Business License Application submitted by Kimberlee Barton-Nuttall/Superior Labor Service at 775 South Peachtree Drive for a home office.

The application meets a home occupation home office and will not have an impact on the neighborhood.

Commissioner Greg Turner moved to approve the business license application located at 775 South Peachtree Drive for Kimberlee Barton-Nuttall. The motion was seconded by Commissioner Joey Campbell. Motion unanimously carried 5-0. Rebecca Hansen-aye, Joey Campbell-aye, Greg Turner-aye, Manning Butterworth-aye, Chuck Williams-aye.

4. Discussion on zoning within the historic district.

Campbell understood the historic district as an overlay to a residential district. He wanted to know what the commission's goal was in modifications to the overlay zone. Turner thought their goal was to encourage boutique and small shops to become a part of the boulevard. Hansen believed parking would be one of the main obstacles a property owner would have to address. There is limited parking on the boulevard. Vercimak explained how property owners could apply for a zone change and how to allow for business along the boulevard within the historic district. The city code does allow for these types of



businesses but would need to follow the process. The historic overlay zone addresses preservation of the historic buildings. To add conditional or permitted uses in the overlay zone would negate surrounding property owners' right to object. If the council wanted to lower or waive the zone change application they have the right to do so.

5. Discussion on possible changes Title 10, Chapter 16A-Hillside Development Overlay Zone.

Councilmember Paul Heideman advised the city recorder he will disseminate proposed changes to this chapter at the next Planning Commission meeting.

6. Discussion on design standards for commercial industrial, and MU-20 zoned property.

Butterworth has researched various city design standards. He reviewed Park City Utah design standards and they seem very restrictive. He asked the commissioners what the role of the commission would be to institute design standards. He recited 10-18A-1: Purpose and Intent of the building permit review process: The purpose and intent of the building permit review process is to secure the general purposes and objectives of this title and the city general plan, and to ensure that the general appearance and public safety of buildings, structures and development complement and are harmonious with the neighborhood, are consistent with the city master plan, zoning map and city design guidelines, and meet applicable health, safety and public welfare standards. He thought this purpose was well defined. He inquired how the Planning Commission is involved with achieving this purpose. To wait until the end of the process puts developers in a predicament where design standards come into play at the end of build-out results. He wondered if the commission could guide developers during the building permit process. It was suggested to add these requirements in Chapter 10-21: Design Standards for Construction and Development. Building permits are required to be issued within 14 days of a complete submittal. To run a permit through Toquerville's process could not be accomplished in the state-required time frame. Williams asked when a property is developed, is it based on what the citizens of Toquerville want? He suggested the city should have a master plan for what Anderson Junction will look like regarding development. Will the area look like the Washington off-ramp? Will that be the entrance to Toquerville? He suggested the city should adopt design standards and how it will require developers to make it inviting. Vercimak stated the application of the preliminary site plan viewed tonight met the zoning requirements. Williams suggested there should be design standards to help preserve the city's unique characteristics. Chamberlain stated the commission should revisit the general plan to refresh the vision of the city.

Wendi Merritt suggested the city can't change the zoning of private property but can require design standards. She gave examples of Boca Raton's design requirements and how it would start to institute smart growth.

Butterworth asked Chuck Williams if they could work together to formulate some standards and guidelines. Williams agreed. Hansen suggested in their research and suggestion they may want to balance freedom with restrictions and evaluate viable economic growth.

F. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Conditional Use Permit at 880 S Peachtree Drive – Catamount Heights Management LLC – James Stone. (No complaints on file)
2. Home Occupation Conditional Use Permit at 640 S Toquerville Boulevard – Color Country Appliances Inc – Ben DeMille. (No complaints on file)



3. Home Occupation Conditional Use Permit at 325 W Old Church Road – Fahrenkamp Inc – Mark Fahrenkamp. (No complaints on file)
4. Conditional Use Permit for the keeping of livestock at 1501 Staghorn Street – Betty Sanchez. (No complaints on file)
5. Conditional Use Permit for a Bed and Breakfast located at 250 W Peachtree Drive – LST Holdings, dba Zions Garden Bed & Breakfast. (No complaints on file)

Commissioner Chuck Williams moved to approve the five renewal application. The motion was seconded by Joey Campbell. Motion unanimously carried 5-0. Manning Butterworth-aye, Greg Turner-aye, Joey Campbell-aye, Rebecca Hansen-aye, Chuck Williams-aye.

G. ADJOURN:

Commission Chair Manning Butterworth adjourned the meeting at 8:26 p.m.

Manning Butterworth
 Planning Chair – Manning Butterworth

11/20/2019
 Date

Attest:

Dana M. McKim
 Toquerville City Recorder – Dana M. McKim

