

**TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES**
Wednesday – November 20, 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, Chuck Williams, Joey Campbell; Alternate Planning Commissioners: Dan Catlin, David Browning; Staff: Zoning Official Mike Vercimak, Recorder Dana McKim, Deputy Recorder Ruth Evans, City Council/Planning Commission Liaison Alex Chamberlain; Public: Gary Chaves, Wendi Merritt, Jerry Eves, Paul Heideman.

6:30 PM WORK MEETING:

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

1. Discussion on modifications to Title 10, Chapter 24 Exterior Lighting – Commissioner Hansen:

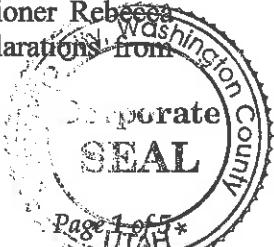
Commissioner Rebecca Hansen sent out the most recent changes on the Exterior Lighting chapter and wanted the Commissioners to be thorough and proactive with commercial lighting. Ivins Dark Sky Ordinance was referenced in the proposed modifications. Seeking an International Dark Sky designation requires money and the City to run several events each year. The City is probably not ready for that yet. Commissioner Hansen posed two questions; what are we trying to accomplish modifying the chapter and does the commission want to keep the changes that have been made thus far. Chairman Butterworth believed the City wanted to preserve the night sky for the health and welfare of residents, and to provide proper lighting for safety reasons. Commissioner Joey Campbell wanted to know what the City Council's objectives were in modifying this ordinance. Councilman Alex Chamberlain responded by saying the code needed to be simplified and would like to see the ordinance read more clearly. The Council is still looking at the Commission's proposed changes. The Commission discussed the need to clarify possible exceptions on the 11:00 p.m. light curfew, lumens vs. foot-candles, how to convert the measurements, acceptable commercial parking lot lighting requirements, proper flag lighting, definitions, light trespass, types of lighting shields, and holiday lighting restrictions. Chairman Butterworth asked Commissioner Hansen to clarify each of these points and have the information ready for the next meeting.

2. Discussion on commercial design standards:

Commissioners Campbell and Turner wanted clarification and direction from the Commission on the creation of commercial design standards. Chairman Butterworth conveyed to the commission on parts of the code not being practiced and that some items that should be removed so the design standards for commercial properties are current and harmonious with the City. He suggested with Mike Vercimak's direction that these new changes should be applied to Chapter 21 of the City code. Commercial design standards from San Juan Capistrano City code were referenced. Subjective language; i.e. should, encouraged, suggested, is hard to enforce. Vercimak suggested the commission and council should select specific language and set specific requirements to meet expectations. Different commercial site plan requirement changes were discussed briefly.

7:00 PM REGULAR MEETING:

Chairman Manning Butterworth called the meeting to order at 7:00 p.m. Commissioner Rebecca Hansen led the Pledge of Allegiance. There were no disclosures, nor conflict declarations from Council Members.



A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from October 16, 2019.

Commissioner Campbell was once referred to as Joey Turner. This has been corrected to say Joey Campbell. Commissioner Turner found one grammatical error and requested a correction.

Commissioner Greg Turner moved to accept the meeting minutes with corrections from October 16, 2019. Commissioner Joey Campbell seconded the motion. 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.

Resident Wendi Merritt commented that night sky lighting is vitally important to the majority of the City. We may not need to be named an International Dark Sky city, but some aspects are important to our residents. What is the penalty to residents for noncompliance? Some residents are not meeting current lighting ordinances in regard to light trespass. The City needs to be aware of the street lights that trespass on residents' properties. The animal control ordinance needs to omit conflicts with the subdivisions Covenants Conditions & Restrictions.

Resident Gary Chaves asked if there was an opportunity during the Business/Action items section to have residents' comment on each item.

C. REPORTS:

1. Planning Chair Manning Butterworth created a spreadsheet to keep track of all the ordinances that are currently before the Commission. This will help keep track of the different stages each ordinance is at and what the next step is for that ordinance. An updated spreadsheet will be kept on Dropbox for all Commissioners to make comments.
2. Commissioner Turner commented that supporting documents for discussion items are not being distributed in enough time and would like them to be made available sooner. Commissioner Chuck Williams asked about the bypass road, and if the name of Toquer Parkway has been made official. The City Council will be discussing the name at their next meeting.
3. Zoning Official Mike Vercimak did not have anything to report.
4. City Council/Planning Commission Liaison Alex Chamberlain answered Chairman Butterworth's questions regarding the status of the City Council naming a lighting administrator. The item will be placed on the next City Council agenda for discussion and appointment.

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 Preliminary Plat Application submitted by Aspen Funding L.L.C. for a 4 lot commercial subdivision located near Highway 17 and the I-15 interchange. Tax ID # T-3-0-22-3211:

There was no public input voiced on the Preliminary Plat Application.



E. BUSINESS/ACTION ITEM(S):

1. Discussion and possible recommendation on a Preliminary Plat Application submitted by Aspen Funding LLP for a 4 lot commercial subdivision located near Highway 17 and the I-15 interchange. Tax ID # T-3-0-22-3211:

Zoning Official Mike Vercimak brought to the Commission's attention of a typo on a road name, it should read Cool Breeze Way. Chairman Butterworth reported that the issues brought up in staff meeting have been addressed. The length of the cul-de-sac has been redone, and the landscape plan will be submitted at another time. The developer will meet with UDOT regarding the frontage road.

Commissioner Joey Campbell moved to recommend approval with staff recommendations of the Preliminary Plat application submitted by Aspen Funding LLP. Motion was seconded by Commissioner Rebecca Hansen. Motion carried 4-1. Commission Vote: Greg Turner - aye, Rebecca Hansen - aye, Chuck Williams - nay, Manning Butterworth - aye, Joey Campbell - aye.

2. Discussion on modifications to Title 5, Chapter 1 Animal Control – Commissioner Turner:

Commissioner Turner handed out a copy of the revised chapter to the Commissioners. Additional items for discussions were; definitions of exotic animals, definitions of large and medium-sized fowl, clarification to the point system language, using square foot vs. acre measurements, having a board of adjustments or an appeal authority, allowing beehives that are registered with the state, requiring setbacks for beehives in residential zones, and eliminating swine from being allowed in residential zones. Resident Wendi Merritt wanted the Commission to take into account the amount of usable square footage should be one of the factors taken into account when a permit is issued. She gave her property as an example and how part of her lot includes a ravine. If a permit was issued by her lot size rather than the amount of usable space, would have an effect on the care and keeping of an animal.

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

Wording was added to help clarify the meaning of an owner's absence. The owner of a nightly rental may not be absent for over 30 consecutive calendar days during a rental period. Chairman Butterworth stated the City Attorney Heath Snow voiced his opinion to the commission and Mike Vercimak that to require a nightly owner to obtain Toquerville residency may be challenged in court. Commissioner Hansen stated that the City should strive to be constitutional, and at the same time protect the residents from possible absentee or negligent nightly rental ownership. Councilman Chamberlain commented that the City Council did not want agents or property owners to possibly neglect their properties and impact the City negatively. Councilman Chamberlain urged the Commissioners to reword and clarify an owner absence period. It was suggested to add the words 'while renting' replace 'during a rental period' to the definition. The Commission discussed enforcement concerns and how the city will be able to quantify or prove if an owner is absent or not and for they will document the vacancy period. Revocation of a permit is evaluated during a yearly review process, or if citizen complaints are filed. Chairman Butterworth reminded the Commission to keep the goal in mind while revising the ordinance.



4. Discussion on modifications to Title 10, Chapter 17, Section 3, Paragraph K – Annual Review of Nightly Rental Permit:

Modifications would omit the yearly public hearing of the renewal process with a single staff review.

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

Chairman Butterworth received a hard copy of revisions from Councilman Paul Heideman only a few hours ago, so the Commissioners have not had a chance to look at the revisions yet. Councilman Heideman wanted the Commission to simplify the hillside ordinance in regards to protection and regulations of the City. Chairman Butterworth will disseminate the draft to the Commissioners for review and discussion at the December meeting.

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

The item was briefly discussed earlier in the meeting. It was suggested the commission should look at signage requirements for future commercial buildings.

7. Discussion on modifications to Title 10, Chapter 18A Building Permits and Chapter 6-1 Submittal Requirements, Table 2 to streamline the building permit process:

Proposed modifications included the elimination of unnecessary items and verbiage that was not appropriate to the chapter; particularly regarding commercial buildings. Chairman Butterworth commented that the City Attorney had proposed adding every commercial building to require a final site plan and approval before a permit is issued. The Commission discussed the section of City code that requires homeowners to plant three trees on their lot prior to a certificate of occupancy being issued. He asked if the requirement was actively enforced. He further stated that we live in a desert and if this should this be reconsidered. How do we address this with developers? What do we want new developments to look like? The Commissioners decided to remove the requirement of having three trees and leave planting trees up to each homeowner. Additional discussion on requiring homeowners to fully landscape their front lawns, having enough open space and maintaining Toquerville as a Tree City. Regarding Chapter 6-1, Table 2, this chart has been simplified and unnecessary items have been deleted.

8. Discussion on amending Title 10-19C-7 - Summary of Subdivision Review and Approval Process: to remove two public hearing requirements from the simple subdivision process.

The modifications to this Chapter remove redundant items, allow for a more streamlined process and now follow State requirements. The concept review for a building permit needs to be deleted. The City Council and Planning Commission public hearings need to be deleted from the preliminary plat and simple subdivision. Zoning Official Mike Vercimak will revise this chart and distribute it to the Commission.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Conditional Use Permit for a Bed and Breakfast located at 720 S Toquer Boulevard – Almost Inn Zion – Paul and Carylee Heideman. (No complaints on file)
2. Conditional Use Permit for a Bed and Breakfast located at 137 N Toquer Boulevard – Zion's Nest – Tami and Todd Young. (No complaints on file)



3. Home Occupation Conditional Use Permit for an on-line based resale office located at 1186 S Grand Canyon Parkway – Home 2 Home 4 U – Camille Christensen. (No complaints on file)
4. Conditional Use Permit for a home bakery located at 715 S Peachtree Drive – Indulgeables – Dennise Lesko. (No complaints on file)

There have been no complaints against any of these businesses and each has an active business license.

Commissioner Rebecca Hansen moved to recommend renewal for items 1-4, home occupation and conditional use permits as presently submitted. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Commissioner Vote: Greg Turner – aye, Rebecca Hansen – aye, Manning Butterworth – aye, Chuck Williams – Aye, Joey Campbell – aye.

Commissioner Chuck Williams spoke as this is his last meeting as a Planning Commissioner. He has been elected as a City Councilman and will start in January. He wants everyone to know he feels privileged to have served on the Planning Commission and with the other Commissioners. He commended the Commission on the work they have done and will continue to do. Chairman Butterworth wished to express his gratitude for the work and service Mr. Williams has done for the Planning Commission and for the City.

F. ADJOURN:

Chairman Butterworth adjourned the meeting at 8:46 p.m.

Manning Butterworth

Planning Chair – Manning Butterworth

12/18/19

Date

Dana M. McKim

City Recorder – Dana M. McKim

