**TOQUERVILLE CITY**

**PLANNING COMMISSION MEETING MINUTES**

**March 10, 2021 at 6:00 pm**

212 N. Toquer Blvd, Toquerville Utah

Present: Chairman Dan Catlin, Commissioners: Greg Turner, Joey Campbell, Jason Grygla, Gary Tomsik. Staff: Zoning Official Mike Vercimak, Recorder Ruth Evans, Mayor Lynn Chamberlain. Absent: City Council Liaison Gary Chaves, Alternate Planning Commissioner: Cathleen Lee.

1. **CALL TO ORDER:**

Chairman Catlin called the meeting to order at 6:00 p.m. Commissioner Grygla led the Pledge of Allegiance. There were no disclosures, nor conflict declarations from Commissioners.

**B. REVIEW OF MINUTES:**

Review and possible approval of Planning Commission meeting minutes from February 10, 2021.

***Commissioner Joey Campbell moved to accept the meeting minutes from February 10, 2021. Commissioner Jason Grygla seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

**C. PUBLIC FORUM:**

Resident Duff Olsen apologized for the disparaging comments he made at the last Planning Commission meeting. The intent was not to offend, but to fight for Toquerville and his beliefs. The Planning Commissioners are doing the best they can.

**D. REPORTS:**

Chairman Catlin expressed concerns over the MPDO ordinance and hopes they can be addressed. There is also a report from Rocky Mountain Power that there may be blackouts this summer due to older infrastructure. The Planning Commissioners are volunteer citizens and do the best they can with researching the City Code and applying it. There is one opening for an Alternate Commissioner. If interested, please get your name to the Mayor.

Commissioner Grygla commented that the Commissioners and everyone here is a part of the community. We are all in the same boat and have the same interests and love Toquerville. It is the hope of all the Commissioners that we can understand the water situation better and be better at getting information out to all citizens.

Zoning Official Mike Vercimak did not have anything to report.

Mayor Chamberlain did not have anything to report from the City Council.

**E. PUBLIC HEARING:**

1. Public input is sought on a zone change application submitted by Bryant30 LLC for Tax ID parcel T-3126. Current zoning is M-1 Light Industrial. Proposed zoning is HC Highway Commercial.

Coy Bryant from Bryant30 LLC explained the location of the proposed zone change at the Browse exit and that their family has roots and a background in Toquerville. The proposed use would be a western themed recreational vehicle park to include horse corrals and approximately 50 RV pads that will be spaced out.

Commissioner Catlin read the staff comments associated with this application.

Resident Vicky Nelson expressed concerns over increased traffic going to Toquer Falls.

Mr. Bryant responded that he does not anticipate an increase in traffic into the old historic part of the city due to the location of the property. It is the northern most exit of Toquerville which is right off the freeway. The RV park will be non-traditional in that the RV spots will be spread out unlike other RV parks.

1. Public input is sought on a preliminary plat application submitted by SRC Land Holdings, LLC for a 90 residential lot subdivision within four phases. Tax ID # T-3-1-11-341. Zoning is R-1-12.

Scott McCall from SRC Land Holdings explained the four phased subdivision and what the proposed development plans are.

Resident Anita Eaton commented that the map that was submitted was incomplete and had incorrect lot numbering. There are several other inconsistencies regarding drainage issues and zoning. The zoning should be R-1-20, not R-1-12. This application is not correct or complete, and it should be rejected by the Planning Commission.

Resident Bruce M. had concerns over drainage, having enough water for future population, and if there would be a retaining wall between current homes and future development.

Resident Kelly Schroeder commented that the developer has explained to them they will be installing a cinder block retaining wall. Mr. Schroeder expressed concerns over having neighbors next door to their donkeys and goats. Growth should be managed properly and perhaps the developer could install a greenbelt between the current properties and new homes. The construction traffic on Westfield Road is very bad and there should be another exit off of Westfield. Put in the bypass road first so the construction traffic can use alternate routes.

Resident Joel Jeppson had concerns over increased traffic on Westfield Road. Increased traffic leads to more accidents and cars speeding. These are unsafe circumstances.

Resident Stacey Eaton commented that in the development agreement, the former developer had to plat a parcel of land to keep the development agreement going. There used to be a church plotted somewhere close to this piece of land. That is what kept this development agreement alive. If they have not done this, then the development agreement should go away. Growth should be done correctly and managed. Mr. Eaton also is concerned that the City Attorney has a huge conflict of interest with representing the Stewarts and the City and this conflict should be addressed immediately.

Resident Amy Erickson commented that there are already excavators and heavy equipment starting on the subdivision. There are other concerns over dust control, the safety of the children around open digs, the excess construction noise, the hours of construction operation, machinery left on the side of the road, the zoning changing in the area without public comment, a secondary access in and out of Westfield, and who is going to keep the project site clean. There are questions about if the bypass road is coming in first and the estimated completion time.

Resident Jerry Moser commented that new residents may disturb their horses that have been there for 17 years. A greenbelt buffer between current residents and new development would be appreciated.

Resident DC Young stated the church property has been allocated and confirmed in this new development area. There are concerns about drainage and flooding for current residents and having a secondary access on Westfield Road before any building begins. This project should not be approved until there is a secondary access.

Scott McCall from SRC Land Holdings explained they are doing their best to make the majority happy. They are trying to preserve the Toquerville way of life by bringing in the bypass road. This will route the traffic away from downtown which will have a positive effect on the City. The engineers will address the drainage concerns and it will be done professionally and effectively. Clustering is allowed per the development agreement which is where the R-1-12 zoning comes from. The construction process can be disruptive and difficult, but this developer is really good at listening to residents and mitigating concerns. A greenbelt or buffer area will be considered to accommodate the animals. Westfield Road has had a traffic study done and that road can accommodate more traffic if needed. It is a high functioning road. The emergency access road will be resolved as quickly as possible and by the time building starts. The timing for this phase and the timing for the bypass road should be done by this spring with construction starting this summer. The developer is requesting some building permits to help generate revenue for the very expensive bypass road project. There will be many churches planned throughout the development project. Earthwork has begun on the future bypass road, and not on the subdivision as it is still a proposed project. The hours of construction operation will follow city ordinance. The streets will be kept clean and up to federal regulations. The numbering of the lots will be updated and given to the city.

Resident Corey Turner moved from Las Vegas and knows that growth is inevitable. However, it can be managed properly. The increased traffic on Westfield and Toquer Boulevard is a concern. The emergency road should be put in to accommodate construction traffic as well. There should be an agreement between the citizens and Sunriver to state that if the bypass road project falls through, then all construction should stop. This would help protect the current residents.

Chairman Catlin read aloud three emails from residents Debora Adam, Allen Keller and Shellie Singleton. (See attachments.)

**F. BUSINESS ITEM(S):**

1. Annual renewal of a livestock conditional use permit for the keeping of chickens and ducks located at 124 North Ash Creek Drive. Applicant Layne and Renee Garner.

***Commissioner Joey Campbell moved to approve the annual renewal of a livestock conditional use permit for Layne and Renee Garner. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a livestock conditional use permit for the keeping of one goose located at 1502 South Cholla Drive. Applicant Dan and Melissa James.

***Commissioner Joey Campbell moved to approve the annual renewal of a livestock conditional use permit for Dan and Melissa James. Commissioner Jason Grygla seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a home occupation permit for a home office located at 1276 South Rainbow Bridge Street. Applicant Michael Backus.

The Commissioners discussed that this business does not have any complaints and does not have a current business license.

***Commissioner Greg Turner moved to approve the home occupation permit for Michael Backus contingent upon the applicant renewing their City business license. Commissioner Joey Campbell seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a livestock conditional use permit for the keeping of ten chickens located at 1520 South Cane Circle. Applicant David Missal.

***Commissioner Jason Grygla moved to approve the annual renewal of a livestock conditional use permit for David Missal. Commissioner Joey Campbell seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a livestock conditional use permit for the keeping of chickens located at 112 North Ash Creek Drive. Applicant Steve Thayer.

***Commissioner Greg Turner moved to approve the annual renewal of a livestock conditional use permit for Steve Thayer. Commissioner Joey Campbell seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a conditional use permit for an automotive repair shop located at 40 West Berry Lane. Applicant Ned Snow.

The Commissioners discussed that this business does not have any complaints and does not have a current business license.

***Commissioner Joey Campbell moved to approve the conditional use permit for Ned Snow contingent upon the applicant renewing their City business license. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Annual renewal of a conditional use permit for a bed and breakfast located at 1015 South Mulberry Drive. Applicant James and Deborah Valentine.

***Commissioner Jason Grygla moved to approve the annual renewal of a conditional use permit for James and Deborah Valentine. Commissioner Gary Tomsik seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Discussion and possible recommendation on a zone change submitted by Bryant30 LLC for Tax ID parcel T-3126. Current zoning is M-1 Light Industrial. Proposed zoning is HC Highway Commercial.

The Commissioners discussed the finding of facts and staff comments. Each review item was discussed, and all requirements were found to be satisfactory. The Commissioners discussed the need for commercial businesses in the city and this is an ideal location for an RV park. There were no concerns expressed from Staff or Commissioners.

***Commissioner Joey Campbell moved to recommend approval of a zone change submitted by Bryant30 LLC for parcel T-3126. Commissioner Gary Tomsik seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Discussion and possible recommendation on a final site plan submitted by Precept Holding LLC. Tax ID # T-3-0-27-3410.

The Commissioners discussed this application is not complete and the discussion will need to be tabled. The applicant is waiting on approved construction drawings.

***Commissioner Jason Grygla moved to table item F9, final site plan submitted by Precept Holding LLC. Commissioner Joey Campbell seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Discussion and possible recommendation on a preliminary plat application submitted by SRC Land Holdings, LLC for a 90 residential lot subdivision within four phases. Tax ID # T-3-1-11-341. Zoning is R-1-12.

Chairman Catlin read the staff comments. The Commissioners discussed the residents’ concerns of increased traffic on Westfield Road, safety issues with local bridges, increased on street parking, the storm drain system and drainage issues, the requested zoning of R-1-12, construction access plans, and a secondary emergency access. The developer is working on each of these issues and will review each one. The Hurricane Valley Fire Department will not allow any building or certificates of occupancy until the secondary emergency access is built. The Commissioners discussed the developer’s request to use city streets to access the construction site, and Chairman Catlin commented that their development agreement prohibits the developer from using any city streets. The approval process goes from preliminary plat to construction drawings to final plat. The final plat will be the time to go through specific agreements with the city. The Commissioners discussed address concerns, the impact on current residents, the street widths, the plans for infrastructure, and the discrepancy on the submitted plat. The submitted plat shows over 100 plats, but the application called for 90 plats. The developer stated that the City does not have the current plat and that minor changes have been made. The Commissioners were not comfortable making a recommendation on a plat they have not seen.

Matt Loo from SRC Land Holdings introduced himself as the point of contact for this project. They need to submit a plat that is as accurate as possible, so they will make sure the Staff and Planning Commissioners have the current version. SRC Land Holdings is a developer that wants to protect the uniqueness and spirit of Toquerville. Building the bypass road will help preserve this way of life. Growth needs to be managed and the citizens opinions need to be respected. All the concerns brought up tonight will be addressed. This project needs to be done right and go back through Staff review.

***Commissioner Joey Campbell moved to table the preliminary plat application submitted by SRC Land Holdings, LLC until April. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Gary Tomsik – aye, Dan Catlin – Aye, Joey Campbell – aye.***

1. Discussion and possible recommendation on Ordinance 2021.XX 10-15C MPDO density bonus. An ordinance amending density bonus calculations definitions and basis for calculations.

The Commissioners discussed the proposed changes of having an R-1-20 base zone to qualify for a MPDO, putting the same zoning in next to an existing zone, and possibly changing the required acres to 200. The MPDO should not be a substitute for a zone change. The city needs to protect the existing residents and zoning. There may need to be additional changes in the future, but for now the revisions are ready to go to City Council.

***Commissioner Joey Campbell moved to recommend approval on Ordinance 2021.XX 10-15C MPDO density bonus. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commission Vote: Greg Turner – aye, Jason Grygla – aye, Dan Catlin – aye, Gary Tomsik – aye, Joey Campbell – aye.***

**G. DISCUSSION ITEM(S):**

1. Discussion on 10-15B Planned Development Overlay Zone.

Chairman Catlin would like the Commissioners to go through this section and submit changes for review. This section needs to be unique from the MPDO section and address specific bonuses, acreage requirements, and what the purpose of a PDO is. This ordinance will need to have a public hearing once changes are proposed.

1. Discussion on 10-22 Sign Regulations.

Chairman Catlin asked for a Commissioner to volunteer to head up the revisions to this section. Any changes will need to be compared to the commercial design standards. Commissioner Tomsik will lead this discussion.

**H. ADJOURN:**

***Commissioner Joey Campbell moved to adjourn the meeting. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commission Vote: Greg Turner – aye, Jason Grygla – aye, Dan Catlin – aye, Gary Tomsik – aye, Joey Campbell – aye.***

Chairman Catlin adjourned the meeting at 9:04 p.m.

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Planning Chair – Dan Catlin Date

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City Recorder – Ruth Evans