

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
April 14, 2021 at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



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

A. CALL TO ORDER:

Chairman Catlin called the meeting to order at 6:00 p.m. Alternate Commissioner Lee 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 March 10, 2021.

Commissioner Greg Turner moved to accept the meeting minutes from March 10, 2021. Commissioner Jason Grygla seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

C. PUBLIC FORUM:

There were no comments from any residents.

D. REPORTS:

Planning Chair Dan Catlin reported the MPDO ordinance was sent to the City Council for their review. The discussion on sign regulations will be tabled tonight because Commissioner Tomsik is absent.

There were no reports from the Commissioners.

Zoning Official Mike Vercimak did not have anything to report.

City Council/Planning Commission Liaison Gary Chaves did not have anything to report.

E. PUBLIC HEARING:

1. Public input is sought on a nightly rental application submitted by Mary Ann Bate for a nightly rental located at 80 N. Toquer Blvd. Tax ID # T-32-A-2. Zoning is R-1-12.

Commissioner Turner read the two comments submitted via email from Sherrie Thomas, who was opposed to the nightly rental, and Tirsia Stewart, who was for the nightly rental.

Applicant Mary Ann Bate commented that she is only going to rent out one bedroom to a maximum of two people. This will not negatively impact the neighborhood or become a party house.

Mayor Lynn Chamberlain commented that he lives across the street from Mary and has for many years. To address Sherrie Thomas's comment, the Thomas's currently rent out their house to someone who operates heavy machinery at very early hours in the morning. This is more of a traffic and noise problem than a nightly rental. Mrs. Bate is actually adhering to the City code and following the city plan that allows for nightly rentals along Toquer Boulevard.



Resident Anita Eaton offered full support for the nightly rental and renting a room out of her house. This environment is better than a hotel to enjoy Southern Utah. Off street parking is a concern at this location. The homeowners who own the property next to the Bate's is probably not aware of their tenant's heavy machinery. They should come and observe their own property before worrying about their neighbor's.

Resident Craig Smith commented that the first letter bugged him. The letter stated they didn't see a compelling reason to allow a nightly rental, well this is America. That is the compelling reason. Property owners should have freedom to do what they want to do.

2. Public input is sought on a nightly rental application submitted by Craig Smith for a nightly rental located at 276 W. Mount Charm Rd. Tax ID # T-MTC-1-4. Zoning is R-1-20.

Applicant Craig Smith commented that his house is perfectly laid out for a nightly rental. He has been a host on Air BnB before and knows how to be a super host.

Commissioner Lee read the two comments submitted via email from Cathy Dotson, who was opposed to the nightly rental, and Vickie Ott, who had concerns over excessive noise.

Resident Doreen Christensen commented that she is the girlfriend of Craig Smith and has spoken with Vickie Ott about how Mt. Charm road is not a senior retirement community, even though most residents on the street are older. If these residents would like to live in a 55+ retirement community, please feel free to move to one. It is not fair that that standard should be imposed on all the residents when it is not the regulation.

Resident Larry Bennett commented Craig Smith is a stellar improvement to the community. He has an acre of property and offered his extra property for Mr. Smith's parking needs. Mr. Smith is an honorable man and will control the noise. He has been a good neighbor. Mr. Bennett is for the nightly rental.

3. Public input is sought on a conditional use permit application submitted by David Lundell for a woodworking shop located at 140 W. Sunset Ave. Tax ID # T-142-A-7. Zoning is AG.

Applicant David Lundell commented that he would like to start a woodworking shop and is already set up for this business. No customers would come to the home, the furniture would be delivered.

There were no comments from the public.

4. Public input is sought on a preliminary plat application submitted by Wall 2 Wall construction for a 12 residential lot subdivision. Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Zoning is R-1-20.

Applicant Troy Wall commented that this is a continuation of the 12 lots in the first phase in their subdivision.

There were no comments from the public.

F. BUSINESS ITEM(S):

1. Annual renewal of a conditional use permit for a dance and fitness studio located at East Kolob Circle. Applicant Natalie Cheney.



The Commissioners discussed there are no complaints, and the applicant does not have a current business license.

Commissioner Greg Turner moved to recommend renewal of the conditional use permit for Natalie Cheney contingent upon the applicant renewing their business license. Commissioner Cathleen Lee seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

2. Annual renewal of a home occupation permit for a home construction plan design business located at 10 Berry Lane. Applicant Terry Watson.

The Commissioners discussed there are no complaints, and the applicant does not have a current business license.

Commissioner Joey Campbell moved to recommend renewal of the conditional use permit for Terry Watson contingent upon the applicant renewing their business license. Commissioner Cathleen Lee seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

3. Discussion and possible recommendation on a nightly rental application submitted by Mary Ann Bate for a nightly rental located at 80 N. Toquer Blvd. Tax ID # T-32-A-2. Zoning is R-1-12.

The Commissioners discussed the applicant intends to stay in the home while renting out one bedroom. Chairman Catlin read in the staff comments and the Commissioners discussed the standards of review.

Resident Anita Eaton asked if the commercial sewer fee applies to all nightly rentals.

Applicant Mary Ann Bate responded the increased sewer fee is not reasonable. She once had seven kids and her husband living in the house and now that she wants to have two guests besides herself in the home, the rates will be raised? It's not right.

The Commissioners discussed the parking concerns and reminded the applicant that the owner and guests need to park off street. The Fire Department and building department will need to do an inspection and the applicant will need to provide proof of these inspections to the city.

Commissioner Greg Turner moved to recommend approval of the nightly rental permit with staff recommendations for Mary Ann Bate. Commissioner Cathleen Lee seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

4. Discussion and possible recommendation on a nightly rental application submitted by Craig Smith for a nightly rental located at 276 W. Mount Charm Rd. Tax ID # T-MTC-1-4. Zoning is R-1-20.



The Commissioners discussed the staff comments and the standards of review for this application. The applicant requested the permit be modified to state a maximum of 10 people allowed which includes the occupants of the home. The Commissioners reminded the applicant of the parking requirements.

Commissioner Joey Campbell moved to recommend approval of the nightly rental permit with staff recommendations for Craig Smith. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

5. Discussion and possible recommendation on a conditional use permit application submitted by David Lundell for a woodworking shop located at 140 W. Sunset Ave. Tax ID # T-142-A-7. Zoning is AG.

The Commissioners discussed the staff comments and the standards for review. Chairman Catlin read the permitted and conditional uses for an agriculture zone and stated a wood shop is not listed in an agriculture zone.

Resident Anita Eaton commented that there are currently several home businesses in agriculture zones in the city. One business deals with firearms which is not listed as a permitted use for an agriculture zone. This is no different than a farmer using tools and building things for his farm. Other businesses operate in agriculture zones so this application should be approved.

Chairman Catlin commented that he was not on the Commission at the time and those other businesses would not have been approved. If there are complaints against other businesses, those are separate issues. The proposed use needs to be related to an agriculture use. This proposed use is not allowed in an agriculture zone or listed as a conditional use.

Commissioner Greg Turner moved to recommend approval of the conditional use permit with staff recommendations for David Lundell. Commissioner Joey Campbell seconded the motion. Motion carried 4-1. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – nay, Joey Campbell – aye.

6. Discussion and possible recommendation on a preliminary plat application submitted by Wall 2 Wall construction for a 12 residential lot subdivision. Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Zoning is R-1-20.

The Commissioners discussed this is a second phase that will pick up where the first phase left off. The Commissioners discussed the standards for review, additional studies and reports needed, and the developer installing a dry irrigation system.

Commissioner Joey Campbell moved to recommend approval of the preliminary plat application with staff recommendations for Wall 2 Wall Construction. Commissioner Cathleen Lee seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Jason Grygla – aye, Cathleen Lee – aye, Dan Catlin – aye, Joey Campbell – aye.

7. Discussion and possible recommendation on a preliminary plat application submitted by SRC Land Holdings, LLC for a 96 residential lot subdivision within four phases. Tax ID # T-3-1-11-341. Zoning is R-1-12.



The Commissioners discussed the staff comments and the standards for review. The staff comments include the developer not building until there is a secondary emergency access, addressing the correct numbering of lots, the updated plat map, and a tie-in to Westfield Road. Chairman Catlin commented this application is a PDO but was reviewed as a conventional subdivision. Zoning Official Mike Vercimak commented that this is a conventional subdivision and should be reviewed as such. The Commissioners discussed that the Planning Commission should consider how the development agreement applies to the subdivision. The Commissioners discussed the City Attorney's review of this development agreement and felt like there could be a conflict of interest.

Resident Tiger McFarlane asked where and when the traffic study was done and commented that she lives on Sunset. There is too much traffic on that road and sometimes is unable to get out of her driveway. Did the person who did this study have counters out and do they know how much traffic is really on this road?

Mayor Chamberlain commented that he is concerned about a possible conflict of interest with the City Attorney. Another attorney has been contacted for an independent review of this application.

Chairman Catlin commented that the Planning Commission will proceed with the legal interpretation that was given from the City Attorney until they have additional information. The Commissioners discussed the R-1-12 zoning and the development agreement, the sizes of the proposed lots, and the resizing of the lots by the developer. Commissioner Grygla thanked the developer for working with the citizens and changing things around to better accommodate the existing residents.

Matt Loo from SRC Land Holdings commented that they are excited to be in Toquerville and they want to make sure everything is submitted properly. The bypass road will help with traffic concerns and will also protect downtown historic Toquerville.

Commissioner Turner read the summary of resident's concerns and the developer's responses prepared by the developer. The concerns include the temporary construction access, the emergency/fire access, the legal opinion from Attorney Snow, a buffer between existing properties and new construction, drainage concerns, and proposed church locations.

Chairman Catlin appreciated the developer for working with the residents and understanding their concerns. During the final plat application, more information and specifics are required. The developer understands there will be no building until the bypass road is finished and there is a secondary access. The developer will need to propose solutions to the City Council for traffic and construction equipment. There is a proposed staging area to drop the heavy construction equipment. Chairman Catlin commented that visibility for traffic in that area could be reduced when the trees have leaves on them in the summer.

Resident DC Young commented that the Planning Commission needs to be aware that the main line for water is buried right around entrance to the staging area and will be run over. It will be impossible to build without them using city streets. The Planning Commission should recommend changing the development agreement. The bypass road goes on the east side of the reservoir which restricts the city's ability to build to the west. The smarter thing to do would be to move the bypass road to the other side of the hill and get it away from the reservoir. Maybe they do need to use city streets. We need to go out of our way to make things happen in Toquerville.



Resident Alison Anthony commented Sunset Ave is shown as a 60' street and in the key on the proposed map has a 5' sidewalk and a 10' trail. Is this what Sunset is supposed to be? Will it also have a 10' trail? Is there a plan to complete the sidewalks on Sunset? Are property taxes going to increase?

The Commissioners discussed these are separate issues than the proposed subdivision and should be brought up to the City Council.

Commissioner Joey Campbell moved to recommend approval to the City Council for the preliminary plat application with staff comments and full compliance with the development agreement for SRC Land Holdings, LLC. Motion was seconded by Commissioner Jason Grygla. 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 Ordinance 2021.XX 10-15C MPDO density bonus. An ordinance amending density bonus calculations definitions and basis for calculations.

The Commissioners discussed the recommendations that came back from the City Council. The Council recommended changing the minimum acreage to apply for an MPDO to be 100 acres and requiring a buffer zone against existing zones. The Commissioners discussed adding these changes and adding language to clarify when a zone change is needed. These changes will require another public hearing at the next meeting on May 12th and will need to be submitted to the Attorney for review.


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

The Commissioners discussed if there was a need to have a Planned Development Overlay Zone and also a Master Planned Development Overlay Zone. Zoning Official Vercimak recommended that the PDO ordinance be done away with and keep the MPDO in place. To delete the PDO ordinance, a public hearing will need to be held at the next meeting on May 12th.

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 8:28 p.m.



Planning Chair – Dan Catlin

5/12/2021
Date



City Recorder – Ruth Evans

