

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
November 10, 2021 at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Chairman Joey Campbell, Commissioners: Gary Tomsik, Shaun Huntsman; Alternate Planning Commissioners: Val Preslar, Stacey Eaton. Staff: Recorder Ruth Evans. Absent: City Council Liaison Gary Chaves, Commissioner Greg Turner, Commissioner Jason Grygla.

A. CALL TO ORDER:

Chairman Campbell called the meeting to order at 6:02 p.m. Commissioner Huntsman led the Pledge of Allegiance. There were no disclosures, nor conflict declarations from Commissioners.

B. REVIEW OF AGENDA:

Commissioner Shaun Huntsman moved to approve the agenda. Commissioner Val Preslar seconded the motion. Motion unanimously carried 5-0. Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

C. REVIEW OF MINUTES:

Review and possible approval of Planning Commission meeting minutes from October 13, 2021.

Commissioner Val Preslar moved to accept the meeting minutes from October 13, 2021. Commissioner Shaun Huntsman seconded the motion. Motion unanimously carried 5-0. Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

D. PUBLIC FORUM:

There were no comments from any residents.

E. REPORTS:

Chairman Campbell did not have anything to report.

There were no reports from any Planning Commissioners.

F. BUSINESS ITEM(S):

1. Annual renewal of a home occupation permit for a sales, consulting, and photography business located at 880 South Peachtree. Applicant James Stone/Catamount Heights.
2. Annual renewal of a Home Occupation Permit for a home office located at 640 South Toquer Boulevard. Applicant Ben DeMille/Color Country Appliance Inc.
3. Annual renewal of a Home Occupation Permit for a home office located at 325 West Old Church Road. Applicant Mark Fahrenkamp/Fahrenkamp Inc.
4. Annual renewal of a Livestock Conditional Use Permit for the keeping of quail in a residential area located at 1501 Staghorn. Applicant Betty Sanchez.
5. Annual renewal of a Conditional Use Permit for a bed and breakfast located at 250 West Peachtree Drive. Applicant Susan Whiting/LST Holdings, LLC dba Zion's Garden Bed & Breakfast.
6. Annual renewal of a Conditional Use Permit for a bed and breakfast located at 250 West Peachtree Drive. Applicant Susan Whiting/LST Holdings, LLC dba Zion's Garden Bed & Breakfast.



7. Annual renewal of a Conditional Use Permit for a bed and breakfast located at 720 South Toquer Boulevard. Applicant Paul and Carylee Heideman/Almost Inn Zion.
8. Annual renewal of a Conditional Use Permit for a bed and breakfast located at 137 North Toquer Boulevard. Applicant Tami and Todd Young/Zion's Nest #1.
9. Annual renewal of a Home Occupation Permit for a home bakery located at 715 South Peachtree Drive. Applicant Dennise Lesko/Indulgeables.

Chairman Campbell reported all of these renewals have their current business license and no complaints on file.

Commissioner Shaun Huntsman moved to approve business items 1-9. Motion was seconded by Commissioner Gary Tomsik. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

10. Discussion on a nightly rental application submitted by Tyler & Skyler McCaul.

The Commissioners discussed the staff comments and standards for review. The applicant understands they need an inspection from the Fire Department and their sewer rate will increase. The applicant stated they bought this cabin and remodeled it for the purpose of having a vacation rental.

- A. Public Hearing: Public input is sought on a nightly rental application submitted by Tyler & Skyler McCaul located at 22 W Center St. Tax ID # T-JLRS-1. Zoning is R-1-12.

There were no comments from the public.

Commissioner Val Preslar moved to close the Public Hearing. Motion was seconded by Commissioner Shaun Huntsman. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

- B. Possible recommendation to City Council.

Commissioner Shaun Huntsman moved to recommend the nightly rental application submitted by Tyler and Skylar McCaul for approval to the City Council with staff comments. Motion was seconded by Commissioner Stacey Eaton. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

11. Discussion on a nightly rental application submitted by Thomas Lundell.

The Commissioners discussed the staff comments. The applicant understands they need an inspection from the Fire Department and agrees to abide by Section 10-17-3 of the City Code that outlines nightly rentals. Their sewer rate will increase.

- A. Public Hearing: Public input is sought on a nightly rental application submitted by Thomas Lundell located at 158 W Sunset Ave. Tax ID # T-142-A-11. Zoning is AG – Agriculture.



Resident Justin Kailing wondered what the impact will be on his property values and to the community. Does the city allow a percentage of nightly rentals in specific areas? What are the density and population requirements for nightly rentals?

Chairman Campbell commented that property values don't usually decrease, and the nightly rental permits should be evenly distributed throughout the city and there is no cap on the number as of now.

Commissioner Shaun Huntsman moved to close the Public Hearing. Motion was seconded by Commissioner Val Preslar. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

B. Possible recommendation to City Council.

Commissioner Gary Tomsik moved to recommend the nightly rental application submitted by Thomas Lundell for approval to the City Council with staff comments. Motion was seconded by Commissioner Shaun Huntsman. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

12. Discussion on a zone change application submitted by Doug Heideman.

The Commissioners discussed the standard of review and the staff comments. Ash Creek Sewer District commented the sewer is not currently available without offsite improvements.

The applicant, Doug Heideman, gave a short presentation regarding his zone change. The previous applications for this project will not be used any longer. This is a new application, and the staff concerns of elevation, the hillside ordinance, and watershed issues will be addressed. The R-1-12 zoning ties in with downtown Toquerville and it will provide variety with smaller size lots. There will be approximately 15 lots in this new subdivision. This is not high density. There is only a difference of 2 lots between R-1-12 and R-1-20.

A. Public Hearing: Public input is sought on a zone change application submitted by Doug Heideman for Tax ID # T-125-H. Current zoning is AG – Agriculture. Proposed zoning is R-1-12 – Single Family Residential.

Resident Steve Gilbert commented his property abuts the Heideman's property. He is not against development or property improvement but there are a few issues with this particular piece of property. There are large rodeo bulls kept next to this property and it would be a safety issue for children. There are drainage issues with this property and the water would run off into the neighboring properties and it could cause flooding. Directly above this property is a certified FAA flight path which is used to fly and land helicopters. That would negatively impact anyone living in a subdivision below this flight path.

Commissioner Shaun Huntsman moved to close the Public Hearing. Motion was seconded by Commissioner Stacey Eaton. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.



B. Possible recommendation to City Council.

The Commissioners discussed they would like to see engineered plans for this subdivision. The Commissioners were concerned the R-1-12 zone does not fit in with the surrounding agriculture lots and does not have a buffer or transition zone to the larger agriculture lots. The Commissioners were in favor of smaller lots in the city but would have liked the applicant to apply for R-1-20 zoning. The Commissioners reviewed the standards for review and commented the property, if developed, could have adverse effects on the hillside and water runoff.

Commissioner Stacey Eaton moved to recommend denial of the zone change application submitted by Doug Heideman. Motion was seconded by Commissioner Val Preslar.

Kay Chamberlain, who is one of the applicants, commented that any developer will have an engineer address the drainage issues so that concern is a non-issue. Children have lived next to this parcel with the rodeo bulls for years and there have been no issues. They are not developers; they are just a family who wants to rezone the property and then sell it. This property is not an island, there are other properties nearby for sale with much more acreage. Someone had to be first to break the agriculture into single family residential. An engineer has reviewed the city's hillside ordinance and says that this property is buildable. This property actually limits high density. It is unfair to allow some areas of town to be developed but not others.

The Commissioners clarified they would like to have seen professionally engineered plans for the subdivision submitted with the zone change application, instead of the hand drawn map submitted at staff meeting.

Motion unanimously carried 4-1. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – nay.

13. Discussion on a Conceptual Master Planned Development Overlay application.

Matt Loo from Firelight Development presented a conceptual master plan. There is a total of 1,749 gross acres. The bypass road will split the property. There will be hiking and walking trails. The density bonuses requested will total 30% which will give 3,498 for the base density. The Commissioners discussed the staff comments and the conditions set forth in city code section 10-15C-5 and this application meets the standards of the general plan. The 96 lots that were approved for Toquer Hills subdivision will need to be deducted from their total ERU calculations. The developer has stated they will conform to the new ERU calculation code that is in the process of being approved.

A. Public Hearing: Public input is sought on a Conceptual Master Planned Development Overlay application submitted by Firelight Development for a 1749-acre development. Located on the west side of Toquerville between I-15 and the new Toquerville Parkway bypass road.

Resident Steve Gilbert commented it is nice to see professional people come in with professional plans. These types of professional projects bring in good tax money for the city. Mr. Gilbert is in favor of this project.



Commissioner Shaun Huntsman moved to close the Public Hearing. Motion was seconded by Commissioner Val Preslar. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

Matt Loo requested another public hearing during the next City Council meeting to get as much feedback as possible. This is a 15-20 year project. All required documents and plans will be engineered and submitted in an organized manner.

Mayor Chamberlain is in favor of this project and reminded the Commissioners this project was rezoned without a map which what was just turned away.

The Commissioners discussed the developers are actually going to give the city 45% bonuses but will only take the maximum 30% allowed. A better legal description of the project was requested from the developer. The developer has plans to build a fire station and a new city hall once the population supports it.

B. Possible recommendation to City Council.

Commissioner Shaun Huntsman moved to recommend the Conceptual Master Planned Development Overlay application submitted by Firelight Development for approval to the City Council with staff comments, an updated ERU total amount, and being subject to the new ERU calculation code. Motion was seconded by Commissioner Stacey Eaton. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

14. Discussion on Ordinance 2021.XX 10-3-1 Planning Commission.

This ordinance would change the election of the Chairperson from January to December.

A. Public Hearing: Public input is sought on Ordinance 2021.XX 10-3-1 Planning Commission. An ordinance updating when the Chairperson is elected.

There were no public comments.

Commissioner Shaun Huntsman moved to close the Public Hearing. Motion was seconded by Commissioner Gary Tomsik. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

B. Possible recommendation to City Council.

Commissioner Val Preslar moved to recommend approval of Ordinance 2021.XX 10-3-1 Planning Commission. Motion was seconded by Commissioner Shaun Huntsman. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.



15. Discussion on Ordinance 2021.XX 10-15C-6 MPDO Density Calculations.

The Commissioners discussed this ordinance would add a bonus density calculation table and clarify the bonus densities for commercial projects. Attorney Snow has reviewed this table and would like to see more calculations on the commercial end. Chairman Campbell has researched this and cannot find more information on commercial calculations.

- A. Public Hearing: Public input is sought on Ordinance 2021.XX 10-15C-6 MPDO Density Calculations. An ordinance adding Density Calculations (ERU's) to the general requirements of the MPDO.

Resident Jake Peart doesn't like that Attorney Snow's firm represents the developer as well as the City.

Commissioner Shaun Huntsman moved to close the Public Hearing. Motion was seconded by Commissioner Val Preslar. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

- B. Possible recommendation to City Council.

The Commissioners discussed this ordinance is not specific to the Firelight development. This table is to calculate all commercial density bonuses. Firelight has agreed to follow this updated ordinance. Mayor Chamberlain commented that Firelight has agreed to hire conflict counsel to represent the City in the event there is a need for an attorney to represent both the City and Firelight.

Commissioner Stacey Eaton moved to recommend approval of Ordinance 2021.XX 10-15C-6 MPDO Density Calculations. Motion was seconded by Commissioner Shaun Huntsman. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

G. DISCUSSION ITEM(S):

1. Discussion on 10-22 Sign Regulations.

Commissioner Gary Tomsik met with Kent Page, and they have proposed several small changes to the ordinance. That redlined version will be sent to the Commissioners for review for next month.

2. Discussion on possible future Resort Zone Overlay.

This discussion will be delayed until next month when Commissioner Grygla is present.

3. Discussion on adopting smaller lot residential zoning.

The Commissioners discussed the request for having smaller lots available in the city. Most of the lots in the city are ½ acre or more. Not everyone wants a huge lot. Mayor Chamberlain suggested looking at an R-1-10 zone in specific locations. Young families cannot afford to live here so there is a need for this. The Commissioners discussed the Affordable Housing Plan mentions multi-family housing and there are ways to address that. Each city is required



by the State to have and implement an affordable housing plan. The City should promote a buffer zone next to affordable housing.

Resident Jake Peart commented that affordable housing is not accomplished by a 6-plex or apartment complex. Don't interfere with the free market. The city should look at higher density, possibly 3 or 4 story buildings. What are the housing goals of the city? Determine what those are and then go from there. Bigger buildings will look better.

The Commissioners discussed moving forward with creating an R-1-10 zone. Commissioner Huntsman was asked to research and build a draft R-1-10 zone.

Mayor Chamberlain announced that Afton Moore is the new City Administrator as of today.

H. ADJOURN:

Commissioner Gary Tomsik moved to adjourn the meeting. Motion was seconded by Commissioner Val Preslar. Motion unanimously carried 5-0. Commission Vote: Val Preslar – aye, Stacey Eaton – aye, Gary Tomsik – aye, Joey Campbell – aye, Shaun Huntsman – aye.

Chairman Campbell adjourned the meeting at 8:13 p.m.



Planning Chair Pro Tem – Greg Turner



Date



City Recorder – Ruth Evans

