

TOQUERVILLE CITY PLANNING COMMISSION MEETING AGENDA

Wednesday September 21, 2016

Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.

Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Chairman Pro Tem- Alex Chamberlain; Commissioners: Jerome Gourley, David Hawkins, Jake Peart, City Council Liaison-Keen Ellsworth; Staff: Building Official-John Postert, Recorder-Dana McKim; Public: Daren Cottam, Karen Walker, Greg Walker, Paul Heideman, Mark Stotlar, Amy Stotlar, Jim Clark, TyAnn Clark, Janice Hunter, Jo Jeppson, Mona Lowe, Brig Darger

Work Meeting called to order at 6:30 by Chairman Pro Tem, Alex Chamberlain

6:30 PM WORK MEETING:

1. Discussion of Modification of Flag Lot Definition and Allowances of Flag Lots in Toquerville:
Commissioner Gourley recapped last week's Special Work Meeting and stated that Mike Vercimak volunteered to provide the Commission with some new terminology on a flag lot definition and the application of flag lots. Commissioner Peart reviewed the documents and would like a road surface requirement to be included with the creation of flag lots. This would require road surfaces on the pole, (the narrow portion of the lot) to be the same type of road surface of that in the immediate or neighboring area. Commissioner Gourley stated the Fire Marshall cleared up the question at the meeting in regards to staff width requirements, which are a minimum of 26 feet.
Gourley recited the Hurricane code – "That the primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed." Peart had concerns of why an individual would have property, if it isn't to make it more profitable. Chamberlain brought up a hypothetical scenario of an individual being able to purchase a group of lots to then turn and double the lot availability, creating more population density. Gourley recommend the draft be reviewed by an attorney.
Commissioner Hawkins stated in section A1 the word "should" be removed and replaced with "shall" or another type of wording. Council examined the example code from Hurricane: 10-37-10-B9 and agreed it could also be modified regarding height requirements. Council had concern that buildings on this equation could cause issues and would like a set height to be determined by the existing zoning requirements. Commissioner Peart is in favor for height restrictions to prevent a home from being higher than other homes in the surrounding neighborhood area.
Keen Ellsworth asked what does the verbiage "last resort" mean or connote? Chamberlain thought it meant all other options have to be exhausted before a flag lot could be considered. Example: If a property owner doesn't want a driveway at a certain location, that wouldn't constitute the creation of a flag lot. Darin Cottam was at last week's meeting and believed the general consensus of the group was that the flag lot has its place in developing property, as a last resort. These long deep lots that were once small farms are now urban residential locations. The unused space of these larger lots are not being kept up. If property can be developed in another way, in a more productive way, he believes it should be developed. Paul Heideman voiced his concern that the words, "to serve as a last resort" is too subjective and it leaves too much room for interpretation.
2. Discussion of Non-Conforming Structures/Residential Building Use Proposal:
Commissioner Peart agreed to overview the Ellsworth proposal.
3. Discussion of a Temporary Recreational Vehicle Residence Permit:
Commissioner Hawkins believes this should not be a conditional use permit, but a permit application. Citizens would come into the city office and pay a small fee for this application. He doesn't believe this request should take up City Council or Planning Commission's time to apply for this permit. Gourley believed this is a conditional use permit and it should be allowed, provided there are conditions. Paul Heideman stated the City Council would need a code implemented for this use. Ellsworth described a possible scenario where a neighbor could complain about this permitted use, causing a single family

residential area to become an area where an RV could potentially be parked indefinitely as long as they are working on their house.

4. Discussion of Toquerville City Sign Exemption or Revision of Code:
City Council member Keen Ellsworth spoke to the Planning Commission in regards to this item. The City is requesting an exemption or allowance from the Planning Commission to display entrance signs on the north and south end of town. The town currently has size restrictions of signs within the city. The sign the City Council looked at would violate the approved signage code. The proposed ordinance was read by Chair Pro Tem Chamberlain. Commissioner Gourley and Peart are in favor of this revision. Ellsworth explained this is step one in starting economic development for the City of Toquerville.
5. Discussion of Mandatory Drainage Study for Land Development:
Gourley said this was spoken about last week. There are current construction projects at this time that will have drainage problems. In regards to building permits a drainage study will be required in the future. Hawkins is against this modification for a building permit, but would be favor if it was applied to the creation of a subdivision or commercial building application.

7:00 PM REGULAR MEETING:

1. Call to order by Alex Chamberlain, PC Chair Pro Temp at 7:00 pm. Pledge of Allegiance led by Jerome Gourley.
2. Disclosures and Declaration of Conflicts from Commission members (if any). None

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from August 17, 2016.

Motion to approve the meeting minutes from August 17, 2016 made by Commissioner Peart, second by Commissioner Hawkins. Motion was unanimous.

B. PRESENTATIONS:

C. PUBLIC FORUM:

Greg Walker in Cholla Creek spoke on flag lot revisions. He had questions on changing the flag lot definition and allowing flag lots. He was concerned that just because a developer came in and wanted to create a flag lot, the city is now revising their flag lot allowance. Design controls needs to be in place of the draft. Flag lots need specific setbacks, especially in regards to the front of a house that is facing a neighbor's rear yard. Those properties should have a reasonable right to privacy. He asked that the flag lot ordinance address those issues and setbacks.

D. PUBLIC HEARING:

1. Public input was sought on a Conditional Use Permit Application submitted by Mark and DeAnn Jeppson for a Bed and Breakfast located at 234 N Toquerville Blvd., Toquerville, UT 84774. Tax ID #T-82. Zoning is R-1-12:
No comments were made by the public.
2. Public input was sought on a Conditional Use Permit Application submitted by James and TyAnn Clark for a Bed and Breakfast located at 2 Willow Lane, Toquerville, UT 84774. Tax ID #T-WLAN-1. Zoning is R-1-12:
Mona Lowe-290 N Toquerville Boulevard, asked if there was enough adequate parking. She doesn't have any objection to the first public hearing item because there was adequate parking, but was concerned about the location on 2 Willow Lane.
TyAnn Clark-2 Willow Lane- Replied to Lowe's question stating there was garage parking and surrounding parking that are off-street.

E. BUSINESS/ACTION ITEM(S):

1. Discussion and Possible Approval on a Conditional Use Permit Application submitted by Mark and DeAnn Jeppson for a Bed and Breakfast located at 234 N Toquerville Blvd., Toquerville, UT 84774. Tax ID #T-82. Zoning is R-1-12:
Commissioner Gourley motioned for recommended approval with the conditions made by staff. Motion was second by Commissioner Peart. Motion was unanimous.
2. Discussion and Possible Approval on a Conditional Use Permit Application submitted by James and TyAnn Clark for a Bed and Breakfast located at 2 Willow Lane, Toquerville, UT 84774. Tax ID #T-WLAN-1. Zoning is R-1-12:
Developmental staff report read by Chair Pro Tem, Alex Chamberlain. Commissioner Hawkins asked if there was adequate parking, The Clarks have a three car garage with adequate parking.
Commissioner Gourley motioned to approve this application subject to conditions made by staff Motion second by Commissioner Peart. Motion was unanimous.
3. Discussion and Possible Approval of a Business License Application ~ Care Youth Corporation/Sequel Youth Services of Lava Heights Academy. Offices located at 730 E Spring Drive, Dormitory Building at 650 E Spring, and a Gymnasium at 650 E Spring Drive:
Commissioner Peart commented this is only a change of ownership. There are no complaints and fees have all been paid.
Motion made to approve this business license application by Commissioner Gourley, second by Commissioner Hawkins. Motion was unanimous.
4. Discussion and Possible Approval of Modification of Flag Lot Definition and Allowances of Flag Lots in Toquerville:
The draft in front of the commission needs more precision in language. Particularly the “last resort option” was too vague. The language used “average height of surrounding structures” is not a recommended practice in restricting a maximum building height in the area. Hawkins recommended the average building height plus 10 feet. This is not a final document.
The commission will ask Mike Vercimak to wordsmith this further. Chamberlain had concern with a possible privacy issue to require a wall to be erected. Peart asked if the front yard of flag lot should be on the side of the front house’s backyard area? The commission thought that the maximum height of the home shall be no higher than the maximum height of the tallest building. Peart questioned the language of “profitable” and believes it would be contradictive to owning property. Gourley would like to delete the first sentence in paragraph one, delete the last sentence in C and add a road service requirement in the motion.
Chair Pro Tem, Chamberlain made a motion to table this item until October with a note to Mike Vercimak to amend these items and send it back to the planning commission with the follow amendments:
***There be a number added under section B stating that the road surface of the flag staff needs to be similar to that of the road surfaces in the surrounding area.**
***To ask Mike Vercimak ask for a better height restriction for item B10 than what is currently written, which is the “average” height as a maximum.**
***To remove the sentence – “The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a “last resort” for property which may not otherwise be reasonably developed.”**
*** The language describing a flag lot as a last resort option be clarified and become more precise.**
Motion second by Commissioner David Hawkins. Motion was unanimous.
5. Discussion and Possible Approval of Non-Conforming Structures/Residential Building Use Proposal:
Gourley stated the mayor and the city council want to arrive at some starting point to address non-conforming properties. This document will start the overall review process. If people are currently non-compliant, this document will require them to come forward and apply for a non-conforming use, resulting in the owners being compliant. Gourley believes this document was a good starting point. Hawkins had concerns with the #2 option. He believed there needs to be an exception to this agreement and had concerns in how the City would notify the property owners. Chamberlain agreed that proposal is a little aggressive. Hawkins suggested giving a grace period after the notification. The burden would be the property owner to

submit a non-conforming use application. Peart suggested a certified letter be sent out with a time frame or deadline for people to apply for a non-conforming use. Commissioner Gourley is asked if the Planning Commission wanted to pursue non-conforming structures or not. Chamberlain would prefer a grace period to be added to the agreement with some additional steps to make citizens more informed of this issue. Chamberlain stated that once the city received a complaint of a non-conforming issue and was found to be in violation, a certified letter would be sent to the property owner. The owner would then apply for a non-conforming use permit. Hawkins thought that there are some good points in this agreement. Specifically when a non-conforming structure exists, the structure can be rebuilt, but not expanded upon. Peart is in supportive of this proposal.

Commissioner Gourley made a motion to move forward with a revision of this proposal; to specify the procedures for implementation of 10-28-2; to make the language agreeable dealing with non-conforming use and non-compliant structures in Toquerville; to schedule a special Planning and Zoning / City Council meeting to discuss 10-28-2. Second by Commissioner Peart. Motion was unanimous.

6. Discussion and Possible Approval of a Temporary Recreational Vehicle Residence Permit:
Chamberlain explained that this would allow for people to camp in a recreational vehicle while a property owner is building a home, but would prohibit permanent residency on a residential lot. Commissioner Gourley believed this should be a conditional use permit rather than a permit to be issued by the City.

Motion made by Commissioner Hawkins to allow residents to park a RV on their property while a home is under construction, second by Jake Peart. Gourley will only approve if it is a conditional use permit. Gourley-aye Hawkins-aye, Peart-nay and Chamberlain-nay. Motion did not carry.

Motion made by Chairman Chamberlain to recommend city council to move forward with an ordinance to allow for homeowners to obtain permission to use an RV with temporary occupancy on their property lot during home construction. Second by Commissioner Peart. Motion was unanimous.

7. Discussion and Possible Approval of Toquerville City Sign Exemption:
Motion made by Commissioner Hawkins to recommend approval to City Council to proceed with this ordinance modification of Title 10-22-1 of the city code, second by Gourley. Motion was unanimous.

8. Discussion of Mandatory Drainage Study for Land Development:
Hawkins doesn't want this change to be a requirement of individual building permits or lots, but rather on all subdivision and commercial projects. Peart has concerns if the study was done there would not guarantee the problems would be addressed and fixed. Chamberlain believed property owners will not be given final plat sign-off if the drainage problems have not been addressed.

Motion made by Commissioner David Hawkins to approve the statement as it is written to City Council, second by Commissioner Gourley. Motion was unanimous.

F. HO/CUP REVIEW:

1. Review and Possible Approval of a Conditional Use Permit for Care Youth Corporation / Sequel Youth Services of Lava Heights Academy ~ Formerly known as Lava Heights Academy. Offices located at 730 E Spring Drive, Dormitory Building at 650 E Spring Drive, and a Gymnasium at 650 E Spring Drive. Property is zoned A-1:
Business License was in compliance and no public complaints have been documented.
Motion made by Hawkins to approve this permit, second by Jake Peart. Motion was unanimous.
2. Review and Possible Approval of a Conditional Use Permit for Southwest Wind LLC issued to Jerry Eves. Property located at North by Northwest of Anderson Junction on the West side of Interstate Highway 15, not including Pintura:
Recorder McKim spoke with Jerry Eves in regards to this permit. Eves requested a renewal for this permit application. No complaints have been received by the city office on this conditional use permit.

Motion to approve this conditional use permit made by David Hawkins, second by Peart. Motion was unanimous.

G. ADJOURN:

Motion for adjournment made by Chairman Pro Tem by Chamberlain, second by Commissioner Hawkins. Motion was unanimous.

Adjournment at 8:19 pm



Planning Commissioner – Mike Ruesch

10-19-2016

Date



Attest-Toquerville City Recorder – Dana M. McKim

