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ORIGINAL

TOWN OF SPRINGDALE

PUBLIC MEETING

118 Lion Boulevard
Springdale, Utah

January 24, 2018
2:00 p.m.

Reported by Russel D. Morgan, CSR.

1 variance to allow parking on the side yard on parcel S-100-B
2 at 694 Zion Park Boulevard in the Central Commercial zone.

3 Mr. Bowers, are you here?

4 MR. BOWERS: Yes.

5 KEN SIZEMORE: All right. What I would like to do
6 here is have you describe your application in very short
7 terms. Just review what you put in the application. And
8 then if you have any specific other additional information
9 you would like to add that is not in the written
10 information, you can then provide that to me as well.

11 MR. KEVIN BOWERS: Okay.

12 KEN SIZEMORE: I'll open it up for any public
13 comment. Again, this is not a hearing, but I will allow
14 anyone interested to pose any questions or make any
15 statements they would like. And I will also pose any
16 questions to the city staff after your presentation. You
17 would have an opportunity to address any concerns that might
18 be brought up at that time with my interaction with the
19 staff.

20 MR. KEVIN BOWERS: Great. Thank you very much.
21 As stated, I am Kevin Bowers of Bowers Management Company.
22 I am the property manager. And I represent Brent and Keith
23 Yorgason, the owners of the property known as Zions
24 Adventure -- Zions Prospectors Adventure Rock Shop. It's
25 been our intention to meet the needs caused by the UDOT

1 action of widening the road. We realize that we were
2 encroaching, historically encroaching upon the right-of-way
3 which has caused our actions to renovate the exterior of the
4 property.

5 In order to try and help mitigate the loss of
6 parking, we have, we are requesting this variance to allow
7 two stalls to be parallel to the side of the building on the
8 south/southwest line of the property. Currently, that
9 portion of the property is being paved with concrete as part
10 of our landscape renovation. And we are also adding two
11 stalls at the end of that portion with a boxed island or
12 concrete, curbed island that will be in place there. So,
13 our objection -- objective was twofold, to try and minimize
14 the impact of the highway reconstruction and to improve the
15 esthetic appeal of the property for our long-term prospects
16 of our tenant.

17 And I think that we have done fairly well on the
18 improved appeal of the property. And we are coming before
19 you today to ask for the variance just to increase our total
20 parking by two more stalls in order to help, again, mitigate
21 the effect of the highway on the property.

22 So, these two stalls are located within a 20-foot
23 wide easement along the south/southwest line of the
24 property. It extends from Highway 9 and going north,
25 northwest to the property line. And it would tie, currently

1 the concrete apron that we are putting in ties in with the
2 fence line of Mr. Jack Fotheringham. As you can see on the
3 application and the back pages of it, there are some
4 architectural drawings which would show, the last page shows
5 best. The site plan produced by Bush & Gudgell which shows
6 the concrete apron in question.

7 We feel that parking would not hamper access to
8 those other properties. Parking by nature, would be
9 temporary. Customer parking. And it would be posted such
10 so that we would not have day-long parking there. It's for
11 the intent and purposes of our tenant and their customers.
12 And by virtue of that, it would also be temporary, so there
13 would not be a permanent structure upon the easement, which
14 would detrimentally affect the easement owned by the city.

15 In some regards, it may be beneficial, this apron,
16 it may help channel the water. We notice that becomes quite
17 a natural ditch, so to speak. And it's our objective to try
18 to mitigate any natural problems there as well.

19 We feel that this would benefit our tenant, feel
20 that it would not be a detriment to the community. And we
21 would ask for this variance for this purpose.

22 KEN SIZEMORE: Okay. Thank you for your
23 presentation. A couple of questions. What specifically is
24 the activity happening in the facility? What kind of retail
25 or --

1 MR. KEVIN BOWERS: It's a rock shop.

2 KEN SIZEMORE: Rock shop?

3 MR. KEVIN BOWERS: And we are grateful for the
4 presence of those bus stops. It does increase the foot
5 traffic. And we are also grateful that the sidewalks are
6 widened in order to increase the foot traffic for the access
7 incident to foot traffic. We are just concerned that there
8 will be customers who would like to park. And we are trying
9 to accommodate them.

10 KEN SIZEMORE: Has there been a demand for
11 additional parking before the road improvements from
12 customers?

13 MR. KEVIN BOWERS: It seems to have kept itself in
14 balance. You always had parking by individuals who would go
15 to the park. And they would find the first parking spot
16 that was available. Fortunately, in my opinion, a high
17 backed curb and gutter will benefit us because there would
18 be motor homes that would park parallel to the highway and
19 block off all the parking. So, I think it's going to be a
20 win-win.

21 KEN SIZEMORE: And, as I read the application,
22 look at the materials, there are six spaces now, am I
23 correct?

24 MR. KEVIN BOWERS: If you look at it today, before
25 the road is worked on outside, there are 11 stalls.

1 KEN SIZEMORE: I had a difficult time seeing this
2 today.

3 MR. KEVIN BOWERS: Well, you probably noticed
4 that, A, it was covered by dirt because it's part of the
5 road now.

6 KEN SIZEMORE: Right.

7 MR. KEVIN BOWERS: Or, B, there were cars parked
8 on it.

9 KEN SIZEMORE: Okay. So, we are going from 11 to
10 six --

11 MR. KEVIN BOWERS: Yes.

12 KEN SIZEMORE: -- stalls?

13 MR. KEVIN BOWERS: If you were to go to the page
14 before, you would see a historical plat that would show the
15 parking stalls.

16 KEN SIZEMORE: Yeah. This one?

17 MR. KEVIN BOWERS: Yes. And that was the way it
18 was when you could see the encroachment, especially on the
19 north, or the southeast corner of the property.

20 KEN SIZEMORE: Thank you. Mr. Dansie, I have a
21 couple of questions. Has the city -- I could not in the
22 materials find any information about the easement on Elm
23 Street and whether or not the city has any concerns about
24 the proposed parking use on that easement. Can you help
25 clarify what the city's stance is on the use of that

1 easement for this purpose?

2 THOMAS DANSIE: I can. The easement that the town
3 owns is a public utility easement. So, our interest is
4 being able to access the utility lines that run up and down
5 Elm Street. We do allow parking uses on top of utility
6 easements elsewhere throughout town. So, in terms of the
7 town's concerns, parking on that easement would not be,
8 would not detrimentally impact our ability to service or
9 maintain the utilities.

10 The town, as mentioned in the staff report, this
11 is not a town owned dedicated right-of-way. And so, the
12 issue of access obstruction could be an issue, but that's
13 because it's not a town road. That's not an issue that the
14 town is going to insert itself into.

15 KEN SIZEMORE: Okay. As I look at the proposed
16 plot plan, the parking spaces out there, the two I'm
17 referring to, the two out toward the highway, are still set
18 back even with the building. Am I correct?

19 MR. KEVIN BOWERS: Which page? Are you looking at
20 the second to the last one?

21 KEN SIZEMORE: This one.

22 MR. KEVIN BOWERS: Yes.

23 KEN SIZEMORE: So, this is Elm Street. That's the
24 building existing now. And the parking spaces will be here,
25 correct?

1 MR. KEVIN BOWERS: Yes. The parking spaces would
2 be right here.

3 KEN SIZEMORE: That's where I'm confused.

4 MR. KEVIN BOWERS: Otherwise, we would be blocking
5 our own stalls.

6 KEN SIZEMORE: So, we are talking here?

7 MR. KEVIN BOWERS: Yes. There would be two stalls
8 here is what we are proposing.

9 KEN SIZEMORE: Parallel.

10 MR. KEVIN BOWERS: Parallel parking.

11 KEN SIZEMORE: Are they identified on this?

12 MR. KEVIN BOWERS: No. This was -- this decision
13 was done after, was made after this was drawn. I apologize
14 for not drawing those in.

15 KEN SIZEMORE: All right. So, then we'll end up
16 with the one, two -- six identified on this plan, plus the
17 two more you are asking?

18 MR. KEVIN BOWERS: We are asking for eight stalls.

19 KEN SIZEMORE: Thank you for making that
20 clarification.

21 MR. KEVIN BOWERS: Um-hmm.

22 KEN SIZEMORE: And would those two stalls then be,
23 essentially -- you can come back up here and help me.

24 MR. KEVIN BOWERS: Sure.

25 KEN SIZEMORE: Thank you. So, they would be here

1 and here? Is that approximately?

2 MR. KEVIN BOWERS: Approximately, um-hmm. Yes.

3 KEN SIZEMORE: All right. Thank you.

4 MR. KEVIN BOWERS: You are welcome.

5 KEN SIZEMORE: Mr. Dansie, do you have any other
6 clarifications from a staff perspective about this
7 application?

8 THOMAS DANSIE: I don't have any, unless there is
9 specific requests from the hearing officer.

10 KEN SIZEMORE: Okay. Are there any members of the
11 public here who would like to comment on this proposed
12 action? Seeing none, then, Mr. Bowers, do you have any
13 additional information you would like to put on the record?

14 MR. KEVIN BOWERS: Not that I can think of.

15 KEN SIZEMORE: Okay. As I stated earlier, I'm not
16 going to render a decision this afternoon. I'll take into
17 advisement all this information that you provided and the
18 staff report and draft a decision regarding this proposal in
19 the next couple of days.

20 MR. KEVIN BOWERS: That would be wonderful.

21 KEN SIZEMORE: Thank you for being here this
22 afternoon.

23 MR. KEVIN BOWERS: Very well.

24 KEN SIZEMORE: Our next item of business is Luke
25 Wilson representing Zion West Properties, proposing a front

1 and side yard setback variance to allow parking in the front
2 and side yards on parcel S-102-B-4-A, the corner of Zion
3 Park Boulevard and Balanced Rock Road in the Village
4 Commercial zone. Mr. Wilson here? Come on up.

5 MR. LUKE WILSON: Luke Wilson.

6 KEN SIZEMORE: Thank you. As I have described, I
7 would like you to review your application and give me some
8 basic information about what you are proposing. And I'll
9 ask some questions of the staff and open it up for public
10 comment and give you an opportunity to address any of the
11 concerns that might be brought up. Any questions?

12 MR. LUKE WILSON: No.

13 KEN SIZEMORE: All right. Go ahead.

14 MR. LUKE WILSON: Thank you. This parcel, if you
15 are not familiar with it, is just up here around the corner.
16 It is a parcel that is sided by three hills and then the
17 frontage road on SR-9. This parcel is one that we are
18 contemplating and have been talking for a long time, over a
19 year now, about building a parking structure on due to the
20 demand of the town. Feel like it's a good opportunity to
21 have a parking facility.

22 A couple of recent turns of events have caused us
23 to contemplate putting in a parking lot for this season. We
24 have had some delays in some geotechnical investigation on
25 the parcel and have found that there will be some additional

1 surrounding, so you can't see it except for on the front
2 street.

3 Additionally, the offset to the actual roadway on
4 the street side is very deep and, whereas, many of the other
5 properties around don't have that space where a natural
6 roadway is in the highway easement to where the property
7 begins. Ours has quite a large setback. We feel like we
8 can -- this setback variance would allow us to build a
9 functional parking facility with good circulation and not
10 break the spirit of the rule being, you know, having
11 something too far, encroaching into the, you know, into the
12 roadway or neighboring properties. And giving us that
13 variance would allow us to do this.

14 KEN SIZEMORE: Okay. Any other items you want to
15 bring up at this point?

16 MR. LUKE WILSON: No.

17 KEN SIZEMORE: Okay. Question for Mr. Dansie. As
18 I have looked through this material, and as Mr. Wilson has
19 described, there have been negotiations with the city, with
20 the town regarding the proposed parking structure. And
21 there is a development agreement in place. Am I correct?

22 THOMAS DANSIE: There have been negotiations. And
23 there have been discussions. The preliminary zone change
24 approval has been given for that parking structure. The
25 only thing that needs to be done to finalize that would be

1 the execution of a development agreement. That has not been
2 done yet. So, until that development agreement is finalized
3 and executed, the zone change process that would allow the
4 parking structure with reduced setbacks is not in force.

5 KEN SIZEMORE: Do you have an approximate timeline
6 on how that's going to happen in the coming months?

7 THOMAS DANSIE: Well, I think a lot of that is
8 kind of tied up with some of the things that Mr. Wilson has
9 talked about concerning the development, difficulties that
10 have recently come to light with the foundation design and
11 the geotechnical work. The development agreement itself is
12 pretty much ready to go. It's just finding the opportune
13 time to execute that based on the property owner's
14 development schedule.

15 KEN SIZEMORE: Okay. So, does the proposed
16 parking structure and the preliminary development agreement
17 identify a structure that will be sitting in the same
18 location that the proposed setbacks in this variance request
19 would allow?

20 THOMAS DANSIE: That's correct.

21 KEN SIZEMORE: Okay. Thank you. Are there any
22 members of the public here who would like to address this
23 application? Seeing none, Mr. Wilson, do you have any
24 additional clarifications based on what Mr. Dansie stated?

25 MR. LUKE WILSON: No. He was clear in saying that

1 the variables that we are dealing with on our side as far as
2 the timeline to pull the trigger on the structure are some
3 things that we are kind of waiting to see in addition to
4 that geotechnical investigation. And, for now, the proposal
5 is no vertical development at all where the structure would
6 be a big building. This is no vertical development. There
7 wouldn't be any buildings, just where the beginning of the
8 lot would begin.

9 KEN SIZEMORE: Are there any additional -- this is
10 a question for Mr. Dansie. Are there any additional
11 geotechnical investigations that need to happen to permit a
12 parking lot rather than the parking structure?

13 THOMAS DANSIE: No. The amount of geotechnical
14 investigation that's already been done is sufficient to
15 allow a surface lot.

16 KEN SIZEMORE: The town's already comfortable with
17 the drainage from a lot? And the engineering can
18 accommodate storm drainage off of a paved parking lot?

19 THOMAS DANSIE: So, if the variance is granted,
20 moving forward, one of the things that the property owner
21 would need to do would be to submit a storm water plan that
22 would identify where the storm water retention is, the
23 capacity of those storm water basins and where the outlets
24 would be. So, that detail has not yet been provided, but I
25 believe Mr. Wilson is aware that is a detail that would need

1 to be provided before the construction begins.

2 MR. LUKE WILSON: Yes.

3 KEN SIZEMORE: And can this aggressive
4 construction schedule that Mr. Wilson described be
5 accommodated with all the other additional reviews and
6 information that needs to happen from the town perspective?
7 Are you comfortable that this can move forward?

8 THOMAS DANSIE: I am. The planning commission has
9 already reviewed the proposed parking area and has given
10 conditional approval, conditional on one of the things, one
11 of the conditions being approval of a variance. Obviously,
12 if the hearing officer denies the variance, then that
13 approval is rescinded. But, so, that the planning
14 commissioner approval is already in place. The only
15 additional review that would need to be done is the town
16 engineer's review of the applicant's storm water plan. And
17 that can be done fairly quickly.

18 KEN SIZEMORE: Mr. Wilson, is that material
19 available and ready to submit?

20 MR. LUKE WILSON: Yeah. Rosenberg is our
21 engineer. And the hydrologist there, Jared Bates, is
22 designing, he's walked the property several times. And
23 conveniently there is a storm drain right on the corner of
24 the property. And so, he'll be utilizing that. And I think
25 within a week or so we'll have that plan. And the

1 constructibility is supposed to be about six weeks. It's
2 very simple relative to a parking structure.

3 KEN SIZEMORE: Thank you. Do you have any other
4 information that you think is relevant to bring up at this
5 point?

6 MR. LUKE WILSON: Not beyond what was put in the
7 application.

8 KEN SIZEMORE: Okay. Thank you very much.

9 MR. LUKE WILSON: Thank you.

10 KEN SIZEMORE: Appreciate your presentation this
11 afternoon.

12 Mr. Dansie, anything else that you need to bring
13 up from the town's perspective?

14 THOMAS DANSIE: I don't have anything else.

15 KEN SIZEMORE: Thank you very much for being here
16 this afternoon. Again, I will take into advisement the
17 materials that have been submitted in the application, the
18 staff reports, the verbal information that was provided this
19 afternoon. And I will render written decisions within the
20 next 72 hours. Thank you for being here this afternoon. We
21 are adjourned.

22 (Whereupon, the proceedings were concluded at 2:24 p.m.)
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C E R T I F I C A T E

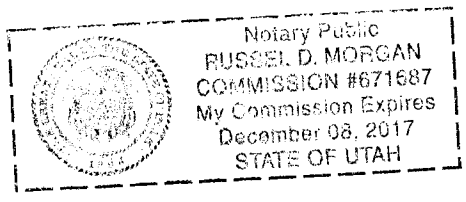
STATE OF UTAH
COUNTY OF WASHINGTON

THIS IS TO CERTIFY THAT THE FOREGOING PROCEEDINGS WERE
TAKEN BEFORE ME, RUSSEL D. MORGAN, A CERTIFIED SHORTHAND
REPORTER IN AND FOR THE STATE OF UTAH, RESIDING AT
WASHINGTON COUNTY, UTAH;

THAT THE PROCEEDINGS WERE REPORTED BY ME IN STENOGRAPHY,
AND THEREAFTER CAUSED BY ME TO BE TRANSCRIBED INTO
TYPEWRITING, AND THAT A TRUE AND CORRECT TRANSCRIPTION OF
SAID TESTIMONY SO TAKEN AND TRANSCRIBED TO THE BEST OF MY
ABILITY IS SET FORTH IN THE FOREGOING PAGES ___ to ___.

Russel D. Morgan
RUSSEL D. MORGAN, CSR
LICENSE #87-108442-7801

_____, 20__.





COURT REPORTING, INC.

Deposition of:

Taken January 24, 2018

Cause No:
Appeal Hearing

TAKEN BY: Springdale Town

Reported By: Russel D. Morgan
Job #: 100226

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24 Adventure -- Zions Prospectors Adventure Rock Shop. It's
25 been our intention to meet the needs caused by the UDOT

2 ***
3 ADMINISTRATIVE HEARING OFFICER: Good afternoon.
4 The hour has arrived for this meeting of the appeal
5 authority of Springdale Town. My name is Kenneth Sizemore.
6 I have been appointed as the hearing officer for the appeal
7 authority process in Springdale. And I am going to be
8 reviewing two items this afternoon.
9 I want to make sure everyone understands that this
10 is not a public hearing. There is not any required public
11 input to be received. My purpose this afternoon is to make
12 sure that I understand all of the information that has been
13 provided in the application and for the applicants to answer
14 any questions or oppose any questions of me or the staff of
15 the town.
16 It is not my intent to render a decision this
17 afternoon. I will take into advisement all of the
18 information I receive, both written and verbally, and use
19 that information to craft a written decision which should be
20 reached in the next 72 hours and released back to the
21 community.
22 These proceedings are being recorded, and a court
23 reporter is here making notes of the actions here today.
24 First item of business is Kevin Bowers, agent for
25 Yorgason Properties, is requesting a side yard setback

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3 which has caused our actions to renovate the exterior of the
4 property.
5 In order to try and help mitigate the loss of
6 parking, we have, we are requesting this variance to allow
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13 KEN SIZEMORE: All right. Go ahead.

14 MR. LUKE WILSON: Thank you. This parcel, if you
15 are not familiar with it, is just up here around the corner.
16 It is a parcel that is sided by three hills and then the
17 frontage road on SR-9. This parcel is one that we are
18 contemplating and have been talking for a long time, over a
19 year now, about building a parking structure on due to the
20 demand of the town. Feel like it's a good opportunity to
21 have a parking facility.

22 A couple of recent turns of events have caused us
23 to contemplate putting in a parking lot for this season. We
24 have had some delays in some geotechnical investigation on
25 the parcel and have found that there will be some additional

2 means will it be ready to serve the public this year. We
3 feel like it would be a mess, a construction mess all summer
4 long.

5 We feel like due to this and some other things,
6 that paving the structure could be done efficiently and
7 quickly and have it done for the season. Due to some of the
8 development restrictions in the zone, the setbacks
9 specifically, and restrictions with regards to digging into
10 the grade that's adjacent to the parcel on all sides, it
11 really puts a damper on the project.

12 We feel like, among other things, the spirit of
13 the setback rule is to not encroach upon the highway and to
14 not encroach to the neighbors, and to not have something
15 that's too much so to say in your face as you look at it
16 from the highway.

17 We have kind of gone through some of these things
18 previously, because in our preliminary development agreement
19 with the parking structure we had talked about reducing the
20 setback, and have that agreed upon for the structure, but
21 that didn't apply to the parking lot because it's not in the
22 development agreement.

23 We feel like this specific location is unique
24 because there are no neighbors period. And the grade of the
25 property goes in and is set into the hillsides of the

2 very simple relative to a parking structure.

3 KEN SIZEMORE: Thank you. Do you have any other
4 information that you think is relevant to bring up at this
5 point?

6 MR. LUKE WILSON: Not beyond what was put in the
7 application.

8 KEN SIZEMORE: Okay. Thank you very much.

9 MR. LUKE WILSON: Thank you.

10 KEN SIZEMORE: Appreciate your presentation this
11 afternoon.

12 Mr. Densie, anything else that you need to bring
13 up from the town's perspective?

14 THOMAS DENSIE: I don't have anything else.

15 KEN SIZEMORE: Thank you very much for being here
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17 materials that have been submitted in the application, the
18 staff reports, the verbal information that was provided this
19 afternoon. And I will render written decisions within the
20 next 72 hours. Thank you for being here this afternoon. We
21 are adjourned.

22 (Whereupon, the proceedings were concluded at 2:24 p.m.)

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3 STATE OF UTAH

4 COUNTY OF SALT LAKE

5 THIS IS TO CERTIFY THAT THE FOREGOING PROCEEDINGS WERE
6 TAKEN BEFORE ME, RUSSEL D. MORGAN, A CERTIFIED SHORTHAND
7 REPORTER IN AND FOR THE STATE OF UTAH, RESIDING AT SALT LAKE
8 COUNTY, UTAH;

9 THAT THE PROCEEDINGS WERE REPORTED BY ME IN STENOTYPE,
10 AND THEREAFTER CAUSED BY ME TO BE TRANSCRIBED INTO
11 TYPEWRITING, AND THAT A TRUE AND CORRECT TRANSCRIPTION OF
12 SAID TESTIMONY SO TAKEN AND TRANSCRIBED TO THE BEST OF MY
13 ABILITY IS SET FORTH IN THE FOREGOING PAGES 2 to 17.

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RUSSEL D. MORGAN, CSR
LICENSE #87-108442-7801

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20 January 30, 2018.

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