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118 Lion Boulevard

Springdale, Utah 84767

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Reported by: J. Elizabeth Van Fleet, RPR, CCR

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A P P E A R A N C E S

For the Applicant Janet Mika:

Carson Bagley, Esq.

Kenneth Sizemore, Hearing Officer

Darci Carlson, Town Clerk

Thomas Dansie, Planning

Toni Benevento, Planning

Janet Mika, Applicant

1 P R O C E E D I N G S

2 * * *

3 HEARING OFFICER: The hour has arrived,
4 and I will call this meeting to order. I'm Ken
5 Sizemore. I'm retained as the administrative
6 hearing officer here for the Town of Springdale.
7 And today we are convened to hear a variance
8 request to the 30-foot front yard setback
9 requirement for a proposed parking area on parcel
10 S1-38-A2 located on the west side of State Highway
11 9, near the south entrance of Zion National Park.
12 We have in the audience today the applicant,
13 Ms. Mika.

14 MS. MIKA: Mika.

15 HEARING OFFICER: And her representative.

16 MR. BAGLEY: Correct.

17 HEARING OFFICER: And also with us is the
18 town staff, planning staff. And I will proceed
19 with hearing a staff report that's been prepared by
20 the city staff. I will then hear information from
21 the applicant representatives, and then I will ask
22 questions to clarify any concerns that may not be
23 clear to me.

24 And my normal course of business is not to
25 issue a decision here from the podium today. I'm

1 most -- in most of these instances, I will take the
2 information I've gathered and review that and issue
3 a written decision, hopefully, within a week.

4 So Mr. Dansie, are you making that
5 presentation for the City?

6 MR. DANSIE: I am.

7 HEARING OFFICER: Okay. Go ahead.

8 MR. DANSIE: Thank you.

9 As you mentioned, Mr. Sizemore, this --
10 the subject before the hearing officer today is a
11 request for a reduction of the front yard setback
12 in the village commercial zone, on property located
13 at the north end of the town, near the entrance to
14 Zion National Park.

15 The proposed use of the property is a
16 50-space parking area. The subject property is 2.8
17 acres in size; however, there are a number of
18 characteristics of the property that make the
19 actual developable portion of the property much
20 less. There are steep slopes in excess of 30
21 percent grade on much of the property. And a
22 significant portion of the property was displaced
23 in a 1992 massive landslide.

24 Further, there is a wash that -- a
25 drainage that runs through the property and also

1 through the developable portion. So of the 2.8
2 acres total property size, only about 17,000 square
3 feet are -- of the area is actually developable.

4 The applicant would like -- and as
5 mentioned earlier, the applicant would like to
6 develop a 50-space parking lot on the property.
7 Those 50 spaces do not fit in that limited 17,000
8 square foot developable area if the 30-foot front
9 back -- front setback is applied to the property,
10 as requested of the hearing officer today.

11 HEARING OFFICER: Okay.

12 MR. DANSIE: As mentioned in the written
13 report, there have been two similar requests for
14 front setback reduction on properties in the
15 general vicinity, and both of those requests were
16 granted. Those -- both of those requests were
17 about 20 years ago when those requests were
18 granted.

19 The final point in the -- in the staff
20 report that I'd like to highlight is the current
21 request is for a parking area. And the staff
22 suggests that the review and the analysis of the
23 setback be in relationship to the development of a
24 parking area, if there ever were contemplation of
25 buildings on the property, and those needing to

1 meet the front setback or apply for additional
2 variance relief.

3 HEARING OFFICER: Anything else you need
4 to add?

5 MR. DANSIE: That's all I have unless you
6 have any questions.

7 HEARING OFFICER: Okay. I have a few
8 questions. The first one is: Help me understand
9 where this use is at in the approval process, as
10 it's outlined in city ordinances.

11 Is this the first step in that process, or
12 has this application made its way through other
13 approval processes?

14 MR. DANSIE: The applicant has applied
15 concurrently for the variance, as well as a design
16 development review. So the planning commission is
17 the approval authority on the design development
18 review process. The planning commission held a
19 public hearing last week to review the proposed
20 parking area. The commission did not take action
21 last week when they heard this. They prefer to
22 withhold action until the variance process has run
23 its course.

24 HEARING OFFICER: So essentially, it was
25 tabled?

1 MR. DANSIE: It was tabled. The
2 application has been made. The application has
3 been tabled, pending the outcome of the variance.

4 HEARING OFFICER: Okay. Are there any
5 items that were discussed at planning commission
6 that would have applicability in hearing this
7 variance request?

8 MR. DANSIE: Not that pertain directly to
9 the 30-foot front setback. Obviously, that was a
10 concern of the commission. The other items they
11 discussed, grading and landscape, surfacing of the
12 parking area, drainage, those were all concerns the
13 commission had but don't play specifically into the
14 30-foot front setback requirement.

15 HEARING OFFICER: Okay. All right. Well,
16 I would like to hear, then, from the applicant or
17 your representative.

18 MR. BAGLEY: Right. Thanks, Mr. Sizemore.
19 I appreciate your -- I appreciate your time and
20 understanding in this matter. As I previously
21 stated, I'm Carson Bagley, and along with Bruce
22 Jenkins, we represent Ms. Janet Mika in this matter
23 regarding her request for a variance to the 30-foot
24 setback of the Springdale code.

25 You know, is -- and I think your questions

1 to Mr. Dansie are on point, as this, you know --
2 the status of where we're at in the application.
3 This is really -- you know, obtaining this variance
4 is very important to my client, as it -- you know,
5 the overall plan -- this variance request really
6 impacts whether or not we go through with the
7 overall plan.

8 Just to step back a little bit, and as
9 Mr. Dansie has stated, you know, this is an
10 approximately 2.8-acre piece right at the mouth of
11 the south entrance to Zion Canyon Park. You know,
12 there's parking. And as I drove here today and
13 looked at the site, you know, it's a lot different
14 than I -- when I came to Springdale years ago and
15 we had parking sufficient that cars are on the side
16 and not obstructing the roadway. And you know,
17 this -- this is right at the gate where there's
18 parking on the other side of the road. There's
19 hotels and that.

20 And also, as Mr. Dansie stated, you know,
21 in the past, Springdale has granted two very
22 similar variance requests to accommodate other
23 businesses within this village commercial zoning.
24 So it wouldn't be unusual for you to grant the
25 variance request that's before you today.

1 And let's look back to the general plan of
2 Springdale, although, you know, this isn't
3 necessarily in the ordinances of Springdale. The
4 general plan, as stated on Springdale's website, in
5 their public documents for Springdale, is, No. 5
6 says, "Develop a community and destination where
7 walking, bicycling and shuttle service are the
8 desired and preferred mode of transportation."

9 Number 11 says, "Maintain adequate public
10 services capable of sustaining the town's growing
11 population."

12 Certainly, Springdale has grown, and at
13 this juncture, it's time to do what we can to
14 sustain the growing population and the growing
15 number of visitors. And if you look further in the
16 general plan, as stated by Springdale, there are a
17 few other points that they make in Section 9
18 regarding existing conditions and key findings.
19 And I'll quote to you some of the paragraphs there.

20 It says, "Both residents and visitors seek
21 parking in order to shop and dine in Springdale.
22 While businesses are required to provide adequate
23 parking, there is additional pressure for increased
24 parking in order for park visitors to take
25 advantage of the Springdale and park shuttles.

1 During peak visitation times and throughout the
2 summer, there is parking congestion in Springdale."

3 And I think that's very well obvious and noted.

4 It further states, "Springdale is working
5 with UDOT and other partners to develop a plan for
6 additional parking that will not impair the visual
7 character of the town. Creative solutions (e.g.,
8 underground parking areas, shared parking and
9 revised parking standards) should be explored."

10 So there we have in this -- in the town
11 objective statements about parking. And that's
12 what this is related to, is solely to parking.

13 It also states further down, "The town
14 desires to emphasize walking as a special
15 characteristic of visitors' experience in
16 Springdale." Again, allowing parking where we've
17 proposed furthers this general plan of Springdale.

18 If you look at objective 9.4.1, titled
19 "Provide more efficient, effective parking for
20 visitors and local business customers that does not
21 detract from village atmosphere or negatively
22 impact local businesses." Down a few lines, it
23 says, "Parking congestion is most pronounced near
24 the entrance to Zion National Park and in the
25 center of town." That's exactly where this parking

1 lot, the proposed parking, is located, is right at
2 the very neck of where the congestion is pronounced
3 to be the worst.

4 "The parking congestion detracts from the
5 small town village atmosphere in Springdale. It
6 also negatively affects local businesses, because
7 parked cars obscure the view of store fronts and
8 make pedestrian access to the stores more
9 difficult. The town should pursue strategies that
10 allow for parking in more appropriate and efficient
11 locations. Doing so will benefit visitors,
12 residents and local businesses."

13 So, I think, you know, with this context,
14 general objections of what Springdale has in mind
15 for the future of Springdale, and given the current
16 situation where we have millions of visitors each
17 year and we have parking everywhere, you know,
18 throughout Springdale and the sides of the road, it
19 clutters the sides. It takes away from the small
20 town atmosphere, the walking population that we
21 have here in Springdale, what they've created.

22 And so I really think, you know, this
23 proposed parking lot at the mouth of the Zion
24 National Park really fits in with the general plan
25 of what Springdale has in mind. You know, as

1 Mr. Dansie has stated, the -- the proposed property
2 is zoned as village commercial. And in there,
3 there's the requirement that there be a 30-foot
4 setback. And that's what we seek to establish a
5 variance on, is -- is rather than have the 30-foot
6 setback is to basically have a five-foot setback.
7 That way we're, you know -- we still have a
8 setback. We don't have a proposed building, so
9 this is strictly a parking lot to facilitate at
10 least 50 cars per day at any given time.

11 You know, the variance where it's located,
12 there aren't other, you know, businesses really
13 adjacent to it that it's going to obstruct by
14 granting this variance. You know, it will take the
15 cars off the side of the road, put them into lots
16 where they can pay for a daily fee to park and
17 access the park right across the street, at the --
18 at the main entrance that most people use.

19 With all this in mind, rather than
20 constructing some type of building right there
21 which would have parking adjacent to it, we're
22 saying straight -- straight cars or straight
23 vehicles. You know, we're not going to use part of
24 this area for building. It's suitable for parking.
25 You know, we're not going to have anything high.

1 And generally the -- if we look back at the intent
2 of the 30-foot setback requirement, it's with a
3 building in mind, of having a building in the
4 middle of the lot. You want to keep the front of
5 the building away from the street far enough that
6 you're not obstructing views and other businesses.
7 Here, because we don't have a building, we think
8 that it would be best to grant the variance, give
9 us a five-foot -- basically a five foot setback for
10 the parking lot.

11 And I believe Ms. Mika submitted the
12 plans, and you've been able to review those. You
13 know, are there -- are there any questions you
14 have, as far as the plans that have been submitted,
15 the proposed parking lot?

16 HEARING OFFICER: Yes. I do have a couple
17 of questions.

18 MR. BAGLEY: Okay. Let's -- if you want
19 to ask those now, and there is -- I have one other
20 little argument on one of the Code
21 10-11B-7(A)(6) --

22 HEARING OFFICER: Go ahead.

23 MR. BAGLEY: -- if you want me to go on
24 that. I think, under -- under the ordinances,
25 there's the ability, if you find that this is an

1 unusually shaped or sized lot and it renders
2 alternative parking locations impractical and
3 infeasible, I believe there is -- you know, there's
4 room within that ordinance. Although, it's not
5 entirely adept to this situation, because it
6 anticipates a building being constructed on the
7 lot, there is some variance that -- at the sides of
8 the lot that you can grant as a variance,
9 basically, turning the five-foot setback, rather
10 than the 30-foot setback.

11 I think this is a little bit inept,
12 because we don't have a building there. But the
13 effective, you know, sides of the lot that we have
14 the proposed parking lot on would be much narrower
15 than the 2.7 acre -- or 2.8 acre parcel.

16 So if you -- if you use the effective
17 sides of the lot and bring in -- you know, that
18 would grant some variance to have a five-foot
19 setback, rather than a 30-foot setback. And where
20 we don't have a building proposed, I believe you
21 could apply it all the way across to the entrance
22 of the parking lot and allow a five-foot setback be
23 within that ordinance. And there's a diagram in
24 the specific ordinance that we can go over, if you
25 would like to --

1 HEARING OFFICER: Would you give me that
2 citation again?

3 MR. BAGLEY: Yeah. It's Springdale Code
4 10-11B-7 Subsection A, Subsection 6.

5 HEARING OFFICER: Thank you.

6 MR. BAGLEY: So with that said, I'll go
7 ahead and answer your questions or --

8 HEARING OFFICER: Okay.

9 MR. BAGLEY: -- do the best I can to
10 respond to your questions anyway.

11 HEARING OFFICER: All right. My first
12 question is: The business model, if there's no
13 building there, how are you going to collect
14 parking fees? I just need to understand how that's
15 going to work with a vacant parcel.

16 MR. BAGLEY: Certainly. Great question.
17 As far as -- let -- I'll explain it -- if you want
18 to. So the plan is to have a kiosk, just a
19 small -- it's not going to be a building, but
20 rather a kiosk in the area. And I can point what
21 we have -- we can work with the council on the
22 exact location. But if you look right as you pull
23 into the proposed parking lot, there would be a
24 simple, similar to what's used in several large
25 cities, a little kiosk that you put an envelope

1 with your money in.

2 HEARING OFFICER: So it's self-pay?

3 MR. BAGLEY: Right. Correct. Is that
4 fair enough? And that would be straight as you --
5 as you pull in, you'll see where it has the
6 driveway. That little triangle with lines, you
7 can't make a parking spot -- space out of that. I
8 believe that's where we would put the kiosk at this
9 point. But like we say, we can -- we can work on
10 the location of that, but simple self-pay.

11 HEARING OFFICER: So the concept is tear
12 off part of the envelope, leave it on your
13 windshield?

14 MR. BAGLEY: Yes.

15 HEARING OFFICER: Okay. Second question:
16 What kind of access do you have authorized from the
17 Utah Department of Transportation?

18 Is there an encroachment permit already in
19 place to access this parcel?

20 MR. BAGLEY: Still -- we're still in the
21 process of working with UDOT. As far as I
22 understand, at this point, they've been very
23 cooperative. You know, they're -- part of the
24 agreement would be maintaining some of the
25 landscaping of the side of the road that would be

1 within the area of the UDOT. But I believe they're
2 fairly amicable to granting access right there, if
3 we obtain variance.

4 HEARING OFFICER: Maybe the staff needs to
5 answer this question. Are you aware of the history
6 of this parcel, how long it's been in its current
7 configuration?

8 MR. DANSIE: I don't know precisely how
9 long the property has been in its current
10 configuration, but I do know it's been in its
11 current configuration for some time, you know, 15,
12 20 years.

13 HEARING OFFICER: Okay. Are you aware of
14 any encroachment permits from the Department of
15 Transportation?

16 MR. DANSIE: I am not, but I am aware that
17 the applicant has been in contact or at least has
18 been attempting to make contact with UDOT to secure
19 the permit.

20 HEARING OFFICER: I was stymied, since
21 this application came up, and I've tried to see
22 that frontage without cars in front of it. That's
23 impossible at this time of year. So I haven't
24 accomplished that. So I can't tell if there is an
25 existing access into the parcel, an existing

1 driveway into the parcel. Is there one?

2 MR. BAGLEY: We went and visited today,
3 and there's a marker. You see the 3920 boundary
4 marker there?

5 HEARING OFFICER: Uh-huh.

6 MR. BAGLEY: That's about, I would guess,
7 ten to 15 feet away from where cars are parking.
8 So it's further away from the road than the
9 existing cars parking. So back in there where the
10 property is located there really isn't parking or
11 anything going on.

12 HEARING OFFICER: Right.

13 MR. BAGLEY: There would need some -- need
14 to be some grading. You know, right now, we just
15 have a cluster of cars. And I had the same problem
16 when I went to look at it today. You know,
17 you're -- it's so congested right there, you're
18 unable to see where the actual property is. But it
19 is -- from where cars are generally parking, it's
20 further -- closer to the hillside than where the
21 cars are generally now.

22 HEARING OFFICER: So in your conversations
23 with the Department of Transportation, have you
24 discussed landscaping, any details?

25 MR. BAGLEY: I'll let her --

1 HEARING OFFICER: All right. Thank you.

2 MS. MIKA: I'm Janet Mika. I have offered
3 that to them, and I'm still waiting for a response
4 for them -- from them. So right now, as you know,
5 it's just raw land vegetation with tire tracks all
6 over it. So what we're proposing is that we extend
7 the landscaping that we would like to do on our
8 property and make that look really nice down there,
9 too, and put in the plantings and the rock and the
10 ground cover, so that it looks good, instead of
11 looking like people have been parking their cars
12 crazily.

13 HEARING OFFICER: And with that design,
14 would it still accommodate on-street parking in
15 front of your property?

16 MS. MIKA: That's up to them. I believe
17 there's a distance from the driveway up to the
18 property that -- that is -- they would preclude
19 parking.

20 And Mr. Dansie, do you remember what that
21 distance is?

22 I have it in my notes somewhere. But
23 other than that, if they want to have people park,
24 say it's 30 feet, say it's 60 feet, I'm not sure,
25 on either side of the driveway, that has to be

1 open, so that people can see when they come in,
2 they come out. But other than that, it would be up
3 to UDOT as to whether they wanted to allow parallel
4 parking along there.

5 HEARING OFFICER: Have they talked about
6 having to do the access lane into the parking lot
7 in addition to what's already there with the travel
8 way?

9 MS. MIKA: They haven't responded to that
10 effect.

11 HEARING OFFICER: All right. Another
12 question is from the perspective of that's on a
13 relatively sharp curve right there, and with 50
14 parking spaces and walk-in entrance to the national
15 park on the other side of Highway 9, how are we
16 going to control the unimpeded pedestrian flow of
17 -- from the parking lot across the highway to the
18 entrance?

19 I can see individuals just trying to do
20 the jaywalk thing through all of that congested
21 traffic and creating another safety concern for
22 both --

23 MR. BAGLEY: Right.

24 HEARING OFFICER: -- the Department of
25 Transportation, the town and the national park.

1 MR. BAGLEY: And that, I think, is a
2 legitimate concern, you know, a great point. You
3 know, I think that's something that UDOT, we'd have
4 to work with. But exists as it is now, we have a
5 channel -- we have a bunch of stacked cars. We
6 have that problem. So whether we have the parking
7 lot or don't have the parking lot, we have that
8 problem, because we have people parking all the way
9 up on both sides, going across the road.

10 I think, you know, traffic tends to slow
11 down at that area, because you have the turnoffs
12 and you have the stops for the entrance to the
13 park. So I think, you know, speed -- generally we
14 have slower cars. They may be able to put in, you
15 know, a similar, as they've done throughout the
16 Town of Springdale, walkways with the flags, where
17 somebody can hold a flag and walk across the
18 street.

19 And I think -- I think that's a fairly
20 easy problem to address. It's been addressed
21 throughout the City of Springdale. And I think,
22 you know, not having the parking lot, they're not
23 going to address it without the parking lot, and we
24 have the problem. So, you know, installing
25 something and working with UDOT, and putting

1 something where pedestrians can cross and get to
2 the entrance safely, I think, is something that can
3 easily be accomplished.

4 HEARING OFFICER: Mr. Dansie, what is the
5 process with the town working with the Department
6 of Transportation?

7 As was just indicated, a number of
8 crosswalks have been installed throughout the
9 community.

10 What's the process with Department of
11 Transportation to get those crosswalks installed?

12 MR. DANSIE: The UDOT has a crosswalk
13 study process that they go through when there's a
14 proposed crosswalk. And they -- they analyze a
15 number of issues to determine whether or not a
16 crosswalk is warranted and whether or not a
17 crosswalk is safe at that location. So it would
18 just be a matter of making a request of UDOT to do
19 a crosswalk analysis at that location.

20 HEARING OFFICER: Is that the applicant's
21 responsibility or the town's responsibility?

22 MR. DANSIE: Well, in the past, the Town
23 has been -- has initiated those requests, because
24 the town has been desirous to have more crosswalks
25 in town. But certainly, if the applicant wanted to

1 have the crosswalk there for the safety of their
2 customers, that could be something the applicant
3 initiated as well.

4 HEARING OFFICER: Okay. All right. I
5 think I've covered all the questions I had.
6 Anything else you wish to add?

7 MR. BAGLEY: Just -- just in summation, I
8 -- you know, I -- as we've talked about the general
9 objectives and that, and this is -- you know, I
10 understand the ordinances. You know, we have the
11 general objective of trying to alleviate parking
12 congestion. The current ordinances, as written for
13 the village commercial area, anticipate a building
14 being on there, some type of a commercial business.
15 They don't necessarily anticipate where it's solely
16 a parking lot, but it's definitely in the forefront
17 of the general objective of Springdale.

18 And so I think, you know, in other towns,
19 there's ordinances that, you know, you have the
20 30-foot setback, it applies when there's a
21 building. Yet, when you don't have a building, you
22 have parking ordinances that overlay that same
23 area, because you have high density parking in
24 these commercial areas. Unfortunately, Springdale
25 doesn't have that set of ordinances at this point.

1 But given the circumstances and the past
2 situation, where they've approved variances for
3 village commercial zoning areas where they have
4 buildings, yet they've, you know, brought the
5 building even closer and they've allowed the
6 setback to be closer to accommodate the parking, I
7 think it's -- what my client has proposed, and --
8 by way of seeking a variance, accomplishes the
9 general objective. And granting a variance here
10 is -- you know, helps to alleviate some of the
11 congestion and fulfill the overall objections of
12 the City of Springdale.

13 And so I'll leave you with that. I
14 appreciate your time and consideration of this,
15 Mr. Sizemore, as it is important to my client. And
16 she would like to get moving sooner rather than
17 later in obtaining an opinion from you as to
18 whether this variance would be granted.

19 She's willing, you know, assuming the
20 variance is granted, to work with the city and UDOT
21 and others to help address some of the concerns
22 that we've talked about here. I think my client is
23 very, you know, willing to address any concerns
24 that may exist with regard to the proposed parking
25 lot. So I'll leave it at that. Thank you.

1 HEARING OFFICER: Thank you. A couple
2 more questions for the staff. You've provided
3 information about two variances that were issued
4 about 20 years ago for similar uses on the same
5 side of the highway. I know, Mr. Dansie, you've
6 been here for a significant period of time and
7 worked with the village commercial zone and other
8 uses that have been approved in the more recent
9 past than those variances 20 years ago.

10 Do you have any information about other
11 uses in the village commercial zone that have
12 confronted this kind of an issue with that 30-foot
13 setback?

14 MR. DANSIE: If I'm understanding your
15 question correctly, are you asking if there's been
16 other development in the -- in the village
17 commercial zone that have had problems meeting that
18 30-foot --

19 HEARING OFFICER: Yes.

20 MR. DANSIE: -- front setback?

21 HEARING OFFICER: Correct.

22 MR. DANSIE: Okay. So given the unique
23 nature of the property in Springdale, with unique
24 property geometries and steep slopes and just the
25 development difficulties inherent in developing

1 Springdale, setbacks are oftentimes problematic for
2 development in Springdale. Specific to the village
3 commercial zone, I do not know of any other
4 instances where a front setback variance has been
5 granted, other than those two that were mentioned
6 in the staff report. But complying with setbacks
7 is always something that's problematic or difficult
8 for developers.

9 HEARING OFFICER: As I've driven through
10 the community, I see other instances of parking
11 areas much closer to the highway than 30 feet. Am
12 I then to understand that, most likely, those
13 particular parking areas are pre-existing the
14 30-foot setback requirement?

15 MR. DANSIE: Correct.

16 HEARING OFFICER: A good example that
17 popped out to me today coming into town was the
18 post office, which has parking probably seven feet
19 away from the edge of the right-of-way.

20 I'm assuming, then, that that parking lot
21 pre-existed the current regulations?

22 MR. DANSIE: That's my understanding.

23 HEARING OFFICER: So if one was to do a
24 survey of all of those parking areas closer than 30
25 feet, we would be pretty confident to note that

1 they probably existed before the implementation of
2 that setback?

3 MR. DANSIE: Correct.

4 HEARING OFFICER: Okay. All right. Well,
5 I believe I have exhausted my questions about this
6 application. Sure, please. Ms. Mika, come up.

7 MS. MIKA: Janet Mika. Mr. Dansie,
8 relative to what you just said, there are buildings
9 that have gone in, in the last ten, 15 years, like
10 Cafe Soleil, for instance, that has parking right
11 up against the street. So they must have done
12 something magical to park within the 30-foot
13 setback. They're village commercial right across
14 the street. The Cliffrose, Tribal Arts, all those
15 folks in there are parking right -- well, they've
16 been there longer I know. But Cafe Soleil in
17 particular is new. Thank you.

18 MR. DANSIE: Correct, yeah. And that's a
19 good -- that's a good point. And that's a --
20 that's an instance that I don't know the process by
21 which that parking was placed where it was.
22 That -- Mr. Sizemore, you mentioned I've been here
23 for a long time, but that development predates me.
24 So I'm not sure the process that was used to place
25 the parking where it is.

1 HEARING OFFICER: Okay. All right.
2 Anything else that the staff would like to bring up
3 in relation to this request?

4 MR. DANSIE: I don't think we have
5 anything further.

6 HEARING OFFICER: Okay. From the
7 applicant, anything else that you would like to
8 bring up?

9 MR. BAGLEY: I think we're good. Thanks.

10 HEARING OFFICER: Now, the understanding
11 here is that this is a standalone parking lot, and
12 no structures are anticipated with this application
13 or the application that's making its way through
14 the planning commission approval; is that correct?

15 MR. BAGLEY: Structure as the -- beyond
16 the kiosk that we've talked about, but no dwelling
17 structure or any other type of building that can be
18 inhabited.

19 HEARING OFFICER: Okay. And help me
20 understand, then, is a standalone parking lot a use
21 that's listed in the ordinance?

22 MR. DANSIE: It is.

23 HEARING OFFICER: Okay. As conditional,
24 permitted?

25 MR. DANSIE: In the village commercial

1 zone, it's a permitted use. Public parking is a
2 permitted use.

3 HEARING OFFICER: Okay. And help me
4 understand, then, besides the variance, why the
5 process is going through development review for a
6 permitted use?

7 MR. DANSIE: So the design development
8 view process is a process that applies to all new
9 uses of land or new construction. So even though
10 it's a permitted use, it still requires the design
11 development review to ensure conformance with
12 landscape requirements and grading requirements and
13 all the standard land use requirements.

14 HEARING OFFICER: And that goes through
15 planning commission, not staff, the design
16 development review?

17 MR. DANSIE: Correct.

18 HEARING OFFICER: And I notice that there
19 is currently a request for proposals out from the
20 town to develop more parking areas in the
21 community.

22 Does that have any bearing with this
23 application?

24 MR. DANSIE: The two are related, but the
25 applicant has not formally responded to that

1 request for proposal. So where they're related, by
2 both efforts are providing more parking, they are
3 separate and distinct in there's no connection
4 between the two.

5 HEARING OFFICER: All right. I think I've
6 exhausted my questions, then.

7 MS. CARLSON: The only thing -- if I could
8 just add, since technically it's a public hearing,
9 and granted we only have the applicant and her
10 representatives and staff and, you know, Elizabeth
11 here, we still should probably just say if anybody
12 in the public --

13 HEARING OFFICER: Thank you for keeping me
14 on track.

15 MS. CARLSON: Yes. You're welcome.

16 HEARING OFFICER: I appreciate that. So I
17 will formally, then, entertain any comments from
18 the public. And being the case that there is no
19 other --

20 MS. CARLSON: Yeah.

21 HEARING OFFICER: -- general public in
22 attendance, I will close that portion of this
23 public hearing.

24 MS. CARLSON: Thank you.

25 HEARING OFFICER: You're welcome. That

1 being the case, then, I will take this information
2 under advisement and issue a written ruling in
3 short order. Thank you for being here this
4 afternoon.

5 MR. BAGLEY: Thank you.

6 (The hearing concluded at 2:34 P.M.)

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