



118 Lion Blvd PO Box 187 Springdale UT 84767 \* 435-772-3434 fax 435-772-3952

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING ON TUESDAY, MAY 19, 2015,  
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.  
THE MEETING CONVENED AT 5:00 PM.**

**MEMBERS PRESENT:** Chairman Jack Archer, Randy Taylor, Mike Marriott, Liz West, Allan Staker, Jack Burns from Zion National Park

**EXCUSED:** Commissioner Joe Pitti

**ALSO PRESENT:** DCD Tom Dansie, Associate Planner Moumita Kundu and Town Clerk Darci Carlson recording; Please see attached list for citizens signed in.

**Approval of Agenda: Motion made by Liz West to approve the agenda; seconded by Mike Marriott.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:**

Mr. Dansie reminded everyone the next Night Sky event will be held at the Community Center this Thursday evening at 8:30PM. Zion National Park Ranger Adrienne Fitzgerald will present "How the Night Sky Connects Us to the Past and the Future". There is always good participation at these events.

Ms. West asked if the spray painting on the sidewalks would be removed. Mr. Dansie answered it is marking paint and designed to wear off when it rains or as it is walked on.

Mr. Burns said the Park parking lot was open and they are bracing for a busy weekend.

**Action Items**

**Residential Design/Development Review: 54 Zion Shadows Circle – Jeanie Lesh:** Ms. Kundu said this was an application to replace the current home with a new manufactured home. It is compliant with the Valley Residential zone in terms of color, materials, lights, height, setbacks and size. The parking area is smaller than Town code allows, but it was there previously and considered non-compliant. The exterior lighting fixture is compliant; however the total light output should be less than 1000 lumens.

- Ms. Lesh was in attendance and indicated she would change the bulb to be in compliance. She noted landscape coverage is 39% but would plant more to reach the 40% required for code. The parking area could be expanded on the left side of the driveway to bring size into compliance.
- Mr. Marriott questioned the setbacks. Mr. Dansie explained the VR-B subzone allowed 10' on one side and 5' on the opposite side. The setbacks are compliant.
- Mr. Taylor asked about trees coming out. Ms. Lesh said she would replace trees and put in new decorative plants. They would not be as tall and will use less water.
- Mr. Taylor noted the zoning allows a 5,000 square foot house on a 5,000 square foot lot. Mr. Dansie acknowledged this would be difficult to achieve even with a two-story home. The lot had constraints that would not allow this size of house.
- Ms. Lesh asked if the street light would change on the street. Mr. Archer said streets lights will be upgraded in 2016. Mr. Dansie said all lighting in Town must be compliant with the night sky ordinance. SR-9 will have new street lights but side streets will likely have the fixtures removed.

**Motion made by Jack Archer to approve the DDR for 54 Zion Shadows Circle based on the property being compliant with the VR-B zone in terms of size, height, color and landscape; with the following conditions: 1) outside door light is less than 1000 lumens and bulb not visible, 2) expand parking to meet code at 17' x 18', 3) landscape plan must show a minimum of 40% coverage and be approved by the DCD; seconded by Randy Taylor.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Residential Design/Development Review: Anasazi Plateau Lot 3 – Rudy Borgelt:** Ms. Kundu said this is a development in the Foothill Residential with the planned development overlay zone. The structure is 3,220 square feet with 1,665 square feet of grading for a total of 4,885 square feet. There is 30% slope on the northeast side of the site but it would not be disturbed. A retaining wall will be built against the slope with a drainage swale on the backside. The property owner assumed the lot was a view obstructing lot and therefore complied with the size and height required.

- Mr. Mike Gardner, the home builder, was in attendance to answer questions.
- Mr. Archer asked how close construction will come to the stakes. Mr. Dansie said the lot boundaries are staked and anything outside the area is the conservation easement.
- Ms. West asked if no pole test was conducted how we know the lot isn't so high it may obstruct views. Mr. Dansie said height is measured from the existing grade or the fill grade. In this instance the twenty foot height of the structure coincides with the natural grade. It may obstruct views but for view obstructing lots you are guaranteed twenty feet of building height.

From the audience Mr. Ferber asked what constitutes a public hearing. Mr. Dansie answered design/development reviews for a commercial project or a residential project on a high visual impact lot both requires a public hearing.

Mr. Archer asked the property owner to provide staff pictures of the material used on the retaining wall.

Mr. Taylor said the property owner would be required to use orange fencing around the conservation easement so not to disturb. Mr. Gardner indicated the HOA required this as well.

**Motion made by Mike Marriott to approve the DDR for Anasazi Plateau Lot 3 based on findings the project complies with lot coverage, setback, size, height, lighting, landscape, colors, materials and grading; with the following conditions: 1) retaining wall material to be verified, 2) protective fencing for conservation easement must be installed; seconded by Randy Taylor.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Residential Design/Development Review: Anasazi Plateau Lot 38 – Eric and Sally Ryberg:** Mr. Dansie said this lot is identified as a view obstructing lot but not a high impact lot. Therefore the maximum building height is twenty feet. He noted the tallest element on the home exceeds this by half a foot; therefore it would need to be adjusted. The conservation easement is disturbed by the driveway. Historically the Planning Commission wants driveways to create the least amount of disturbance possible. This configuration shows quite a bit of disturbance from the driveway, retaining wall and landscape in the conservation easement.

- There were no samples for lighting or stucco provided so the Commission's motion should be contingent on review of these materials.
- No specific grading plan was submitted but the landscape plan shows modified contours. The intent is to nestle the home into the existing topography. If the Commission has questions, they may want the applicant to submit a formal grading plan.

Mr. Rob McQuay, the project architect, was in attendance to answer questions. He said on the grading plan it indicated where they would deviate from the existing contours. The driveway cuts three to four feet into the hill. He was not aware a separate grading plan was needed and was still learning the Town's DDR process. Mr. Dansie said if grading information is provided in other documents, a separate grading plan is not necessary.

Mr. McQuay noted they lowered the house to be compliant with the twenty foot maximum height.

Mr. Archer expressed concern the driveway swings out into the conservation easement. Mr. McQuay said the purpose was to get back to natural grade at the road and allow enough slope to drain away from the house. He said they are willing to do what is appropriate in the way of landscape and rock retaining.

- Ms. West noted the driveway looked very large and asked if the home owner's association had a maximum allowable in the easement. Mr. McQuay answered it narrows at the street but widens to access all the garage doors.
- Mr. Taylor asked the purpose of the angle of the garage. If squared off, there would not be a need for the wide driveway. Mr. McQuay answered it was part of the design and functioned as a turnaround area.
- Mr. Archer asked if he were aware of the conservation easement before designing the home. Mr. McQuay confirmed he was.
- Mr. Archer asked about drainage. Mr. McQuay indicated construction would not alter the contour on that side of the home. It was natural grade that sloped into the next lot and would drain as it had before. He suggested they develop a swail in the building pad to direct water to the south, but there was good natural drainage.
- Ms. West asked if there was a maximum width for a driveway and how much it could encroach in the easement. Mr. Dansie indicated there was no maximum width, but Commissioners have struggled with the amount of encroachment that should be allowed in the conservation easement. There is no formula or standard. Historically they have wanted property owners to take the most direct route possible to minimize disturbance.

Mr. McQuay said it may not be a detriment to the project if the curve of the driveway was changed. The rock wall is a more substantial way of holding back the hill but they may be able to adjust it and build as one wall instead of a double tier. They will look at building the wall within the easement and the driveway on the property.

Mr. Archer reminded about the orange fencing to protect the easement during construction.

No material or color samples were submitted with the application however Mr. McQuay said they understand the standards and will provide to the DCD.

Mr. Archer said there is more encroachment into the easement than he has seen in the past. If the plan moved the driveway and the block wall followed, this would help. He also expressed concern about the grading and drainage going into some else's property.

- Mr. Dansie explained the standard is that a development cannot increase the amount of runoff to adjacent properties. A formal drainage study is not required for residential DDRs under an acre. The Commission can request more information via a grading plan that indicates location of swales. Every house that is built increases the drainage into the conservation easement. This is not a new concept, but the standard to uphold is that water coming off the lot is not increased or becomes a nuisance to an adjacent property. Mr. Dansie felt it wise to ask for clarification on how the drainage will affect the adjacent lot. It is within the Planning Commission's authority to ask for this information.
- Mr. McQuay said drainage acceleration from the roof can be directed underground or piped to the back.

Mr. Taylor asked the Commissioners if there were enough changes that the property owner should update and bring back to the next meeting. Mr. Marriott agreed and said it would be good to see what they truly propose for the conservation easement.

- Ms. West added she had concerns about encroachment in the conservation easement and drainage on the adjacent lot so as not to create a potential flooding issue.

**Motion made by Randy Taylor to table the DDR for Anasazi Plateau Lot 38 until June 2<sup>nd</sup> when the property owner can specifically bring information on: 1) the building height adjustment, 2) samples of outdoor lighting fixtures demonstrating compliance, 3) samples of color and materials, 4) how the driveway within the conservation easement can be minimized and rock retaining wall will follow the driveway outline, 5) grading plan be shown to channel roof and patio drainage into the south natural wash; seconded by Mike Marriott.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Residential Design/Development Review: Claret Cup Lot 4 – David Dougan:** Mr. Dansie indicated this is the first lot developed in Claret Cup and new for the Planning Commission. The development requirements function similar to Anasazi Plateau with some key differences: lots are smaller and clustered around common area in a conservation easement; the driveway access is designated and defined; internal setback boundaries are set. There was no pole test conducted, but when the subdivision was created the lots were determined not to be high impact lots. This development meets all requirements of a view obstructing lot so a pole test was not needed. The application appears to meet all the zoning standards. Before the meeting the property owner provided new information which addressed the concerns raised in the staff report.

- Ms. West asked that the landscape lighting be removed. Mr. Dansie said the electrical plan shows a switch for landscape lighting which will have to be removed.
- All trees are being preserved.
- Mr. Taylor raised concerns that a foundation plan was not provided and it appears as though the home was being built on a mound of blue clay. Mr. Dansie said the property owner provided three different soil investigations. Pier and grade beam construction will be used. The geotechnical report has the engineers' recommendations.

**Motion made by Liz West to approve the DDR for Claret Cup Lot 4 with the following conditions: 1) landscape lighting will be removed from the plans, 2) outdoor lighting must be down-directed and shielded and only illuminate entrances and walkways with a sample of fixtures to be approved by the DCD, 3) all grading and disturbance shall be contained and the conservation easement will be protected with fencing, 4) pier and grade beam construction must be used; seconded by Mike Marriott.**

**Marriott.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Residential Design/Development Review: Kinesava Lot 14 – Jeff and Darci Carlson:** Mr. Dansie said the development is in the Kinesava subdivision which is in the Valley Residential zone. It was platted prior to current zoning ordinances and therefore most of the lots fail to comply with lot size standards. However the Town issued a special exception permit which allows for different standards and relaxes others. For this project there is nothing in the special exception permit that impacts development except for a provision of fire access around the house. The design and layout appears to meet all the standards. The submittal was complete. In addition to the house, the applicants have shown the approximate location of a greenhouse and windmill. The windmill install will coincide with the home build.

- Ms. West asked how high the windmill will be. Mr. Carlson was in attendance to answer questions. He indicated the windmill would not exceed the overall building height. It would be tucked on the back of the property.

- Mr. Taylor asked if the windmill was strictly decorative. Mr. Carlson said it was ornamental only and a dull muted color.
- Mr. Archer asked if there was a place to view the Kinesava special exception. Mr. Dansie indicated he would provide the Planning Commissioners a copy.
- Ms. West asked if reference to the 100-year floodplain had changed. Mr. Dansie said it wasn't called the 100-year floodplain any longer. It is now referred to as the 1% annual chance of flooding. This was a prediction of how often flood will occur.

**Motion made by Mike Marriott to approve the DDR for Kinesava Lot 14 based on findings the development is compliant with Town code pertinent to building regulations; no conditions to attach; seconded by Liz West.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Sign Permit: Toaquim's Gift and Gear, 145 Zion Park Boulevard – Darin Heaton:** Ms. Kundu explained this was for a building mounted sign for an individual business. It will replace an old sign but be installed in a different location. The applicant provided two layout options: the one with a logo measures 21.8 square feet which the applicant preferred, and one without the logo measures 19.6 square feet. The ten-sided polygon method was used by the Town to determine size. The color and materials are compliant but the logo should be toned down one shade. The sign will be externally illuminated with light coming down from the eaves. The lights cannot be more than 2' from the top of the sign.

Mr. Darin Heaton was in attendance to answer questions. He said the business was 290' from SR-9 and wanted to be granted the exception for the larger sign. Per code if a business entrance is more than 100' from the road, the sign can be 30% larger. This would allow for the option with the logo.

- Mr. Dansie read code 10-24-4(a)(2)(f). He acknowledged the sign code is very complex. This section of the code refers to building mounted signs but under regulations for individual businesses not business centers. The Planning Commission can discuss if the intent is to allow the same size bonus for business centers. He noted that sometimes there is overlap in the standards and the Commission has applied the same regulations for a business center as an individual business in some instances.
- Mr. Marriott said he exercised the 30% sign increase provision on his business.
- Mr. Heaton brought pictures of the building location (attachment #1) and showed them to the Commissioners. He said the color of the logo can be made less bright.

From the Park's perspective, Mr. Burns voiced a small concern that as people come across the bridge from the Park they aren't met with a glaring billboard. Visually, he wanted to understand what the sign will look like to Park visitors.

- Mr. Heaton said you can't see the sign until you come past the market. It won't be seen from the bridge.

**Motion made by Jack Archer to approve the sign permit for Toaquim's Gift and Gear at 145 Zion Park Boulevard under the provision of 10-24-45(a)(2)(f) whereby the applicant is entitled to a 30% increase in size due to the setback from SR-9; with condition that the logo needs to be toned down to be compliant with the approved color palette; seconded by Liz West.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Sign Permit: Zion Canyon Village, 145 Zion Park Boulevard – Nate Wells:** Ms. Kundu stated although the address is the same as the previous sign permit, this request was for the business center. The maximum sign area allotted is 40 square feet with an additional 25% if there are at least three businesses

with a minimum of 1,000 square feet of area. The applicant meets these criteria so the maximum allowed signage area is 50 square feet. There are two different signs. The first sign is 44.1 square feet. Color, material and height are compliant. The logo for Zion Outfitter is brighter than what the Town allows, but the business owner already indicated it would be okay to change. The sign is illuminated with external lamps. The second free-standing sign is 59.2 square feet and the code allows for a 50% increase in sign area due to the theater marquee if the Commission allows. Color, material and height are compliant.

Mr. Nate Wells was in attendance to answer questions. He said the designer has done other signs in Town and was familiar with the requirements. He confirmed every color in the signs would be compliant.

Mr. Dansie referenced the code regarding the theater marquee as 10-24-4(a)(4).

Mr. Marriott thought there was an error in the staff report in respect to the size of the monument sign allowed. As he read the code, the second monument sign can be 20 square feet, not 40 square feet. In this instance, Mr. Marriott asked if the property was considered one business center or two. If it was two, then they can exercise the provision with size bonuses.

- Mr. Wells said the monument sign to the south is currently 60 square feet. The other monument sign was granted a variance request before Town code was changed. Mr. Dansie confirmed the code, per Mr. Marriott's interpretation, was correct; however this property has had the two free-standing signs for some time. Mr. Dansie was unsure about the past variance process under which the second monument sign was approved.
- Ms. West asked if the variance approval continues if the signs are changed. Mr. Dansie said the variance is granted into perpetuity and becomes a zoning right for the property.
- Mr. Taylor said the variance did not include anything on the pillar. Mr. Wells commented there wasn't a distinction on location, just square footage. Placement wasn't specified.
- Mr. Dansie said when the staff report was written, they were basing their assumptions on the fact the signage were pre-existing and although copy was changing, the applicant was staying within the same parameters.
- Mr. Wells recalled the variance was requested by Max Gregoric when it was Sol Foods Market and the Fatali Gallery. Since then the Town code has changed. Mr. Wells acknowledged Mr. Marriott's point and noted they operate as two separate businesses with separate entrances and parking. There are distinct aspects and these should be considered. He felt the size of the signs was reasonable for twelve acres and the number of businesses.

The sign bonus was based on three businesses located in a minimum area of 1,000 square feet, but this is what Mr. Marriott questioned. From his perspective the code says you need to have more than three businesses, which would mean you need four. In one building there were three businesses and in the other there were three businesses. So this would mean they can only have forty square feet without the size bonus.

Mr. Dansie said they can go back and see what approvals were done previously. He felt there was precedence for at least a 40 square foot sign. The current sign review was based on the premise the signs were existing and had been determined to be legal and valid by a previous Commission.

Mr. Wells said they have worked hard to find an effective way to promote the businesses that are so far back from SR-9, yet remain within Town guidelines.

Mr. Dansie said the Commission had a few options: 1) take more time to investigate the variance, 2) have applicant make revisions to the sign design, 3) assume the signs were valid and existing and make finding they meet code. When conducting his review, he had looked at the business center as one center which would allow 60 square feet for the sign with the marquee and another at 40 square feet, plus the sign bonus.

Mr. Marriott asked if a sign was there before, does this mean it can be there into perpetuity. Mr. Dansie answered that if a sign was originally installed illegally then 'no', but if it was legally permitted and approved then the answer is 'yes'.

- Mr. Archer determined it best to find out the history of the past decision to justify the decision now.

- Mr. Taylor stated that if the sign is legal and valid now, it shouldn't be able to increase in size. Mr. Dansie said the increase is based on the revision to the sign ordinance. The crux of the issue is to determine if the original sign was approved as a second sign for the business center or was it approved for the market specifically.

Mr. Wells understood the Planning Commission's objectives.

Ms. West thought research should be done so they can make a solid decision.

**Motion made by Jack Archer to table the sign permit for Toaquim's Gift and Gear at 145 Zion Park Boulevard until June 2<sup>nd</sup> so DCD can research development of the second sign and clarify findings: seconded by Mike Marriott.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

#### Consent Agenda

**Motion made by Mike Marriott to approve the Consent Agenda; seconded by Jack Archer.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

#### Adjourn

**Motion made by Randy Taylor to adjourn at 7:20PM; seconded by Alan Staker.**

**Staker: Aye**

**Taylor: Aye**

**Archer: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**



Darci Carlson, Town Clerk

APPROVAL: 

DATE: 6-16-15

