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**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING ON
TUESDAY, SEPTEMBER 15, 2015,
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.
THE MEETING BEGAN AT 5:00 PM.**

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

ALSO PRESENT: DCD Tom Dansie and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

Approval of Agenda: Motion made by Mike Marriott to approve the agenda; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie said the outdoor lighting audits were complete. Result letters with feedback will be going out to everyone.

- Chairman Archer asked the number in compliant with the audits. Mr. Dansie indicated nearly every commercial property had a notation from the auditors and approximately 30%-40% of residential property owners had issues. Due to lack of resources Mr. Dansie has not verified everything the auditors found. The letters will not be notices of violation, but helpful and informative only pointing out what may be problematic. When the ordinance is fully effective next year, the Town Council will decide what resources to expend in order to enforce.

Mr. Dansie also announced registration for the Butch Cassidy race is open and anyone wanting to volunteer can contact Allan Staker.

Ms. West asked if there had been any reports of damage due to the recent flooding. Mr. Dansie said 'no'.

Since the applicant for the second agenda item was not at the meeting, it was recommended the order of items on the agenda be changed to accommodate those in attendance.

Motion made by Liz West to amend the agenda and move item A3 into the A2 slot and item A2 into the A3 slot; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Discussion/Information/Non-Action Items

Public Hearing – Preliminary and Final Subdivision Plats: Two-lot subdivision at property located at 1599 Zion Park Boulevard (Parcel S-72-A): Mr. Dansie said this was a two-lot subdivision. Planning Commissioners should consider compliance with zoning standards in the Village Commercial zone to verify all lots in the subdivision comply with size, frontage and access. Mr. Dansie said it appeared all

applicable standards had been met. Tonight's action will affect both the preliminary and final subdivision plats.

- Ms. West asked if a permit had been approved by the flood plain administrator for both lots. Mr. Dansie said a development permit will be required when development is proposed on lot 2. The building on lot 1 was constructed prior to the Town's adoption of the FEMA program and a small section of the patio and house would not be allowed now. The applicant did comply with what was in place at the time. It is a non-conforming situation. Any new development on lot 2 or future development on lot 1 will need to comply with the current ordinance.
- Mr. Pitti asked how far development can be from the flood plain. Mr. Dansie said there is no setback from the floodway but it cannot encroach into the floodway. The last FEMA map update was in 2009.
- Mr. Archer questioned the percent landscaping. Mr. Dansie said both lots have ample open space to convert to landscaping or leave as natural.
- Mr. Taylor asked about the location of the sanitary sewer.
 - The applicant Victoria Spainhower was present to answer questions. She indicated they could either move the sewer line or build over it. Mr. Dansie said typically development is not allowed on top of a sewer line however the previous property owner obtained a letter from the Town allowing it. When development happens on lot 2 a similar discussion may need to be had.
 - Mr. Taylor said if the sewer is re-routed it may affect flow therefore an engineer should be consulted.

Community questions: None were asked.

Motion made by Liz West to open public hearing; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public comment period: None were made.

Motion made by Jack Archer to close public hearing; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Mr. Marriott said the request appeared to meet the standards of the zone.

- Mr. Archer commented the landscaping upgrade requirement on lot 1 should be included in the motion.
- Mr. Pitti expressed concern regarding future development on lot 2. It would likely be constrained due to its proximity to the flood plain and the possible sewer issues. Mr. Dansie felt it wise for the Commissioners recognize the constraints of developing on the property for either the current or future owner.

Motion made by Joe Pitti to recommend approval of the preliminary and final subdivision plats for the Spainhower subdivision project located at 1599 Zion Park Boulevard based on findings it meets the zone standards. Conditions include: 1) the applicant must increase the area of landscape on lot 1 such that at least 30% of the property is landscaped; 2) due to limitations related to lot 2, severely constrained development should be applied when considering any future DDRs; 3) sewer to be reviewed by Town engineer; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public Hearing – Design/Development Review: New commercial building at 145 Zion Park Boulevard: The applicant Nate Wells was in attendance to answer questions.

Mr. Dansie said this proposal was for a commercial space at Zion Canyon Village adjacent to the existing shuttle stop and gazebo. The new building will be the primary operating facility for Zion Outfitters. The project area is in the FEMA special flood area and will require a permit from the flood plain administrator. Mr. Dansie mentioned the diamond block along the back of the property is not an approved exterior surface.

Mr. Dansie said this property was given previous consideration by the Town Council as it relates to lot coverage due to the concession of the shuttle stop turnaround. The approved lot coverage allowance was 50%. The proposal incorporates additional property into the total development to meet this requirement.

Mr. Dansie said the existing buildings were constructed prior to the FEMA flood plain maps. The property owner can build in the special flood hazard area but only under certain standards.

- Mr. Taylor asked if they were eligible for FEMA flood insurance. Mr. Dansie answered they are, but would pay significantly more if not in compliance with standards.

Mr. Dansie discussed standards to flood-proof development. Non-residential properties must flood-proof utilities and elevate the structure above base flood elevation or have an engineer certify the building can withstand hydro-dynamic activity and hydro-static forces. The proposed structure will have a basement and will be below the base flood elevation plain so an engineer will need to provide stamped approval.

Mr. Burns said he and other Park officials had a meeting with the applicant to discuss the project. They will likely have to change the way Park visitors access the bridge entrance due to reduced visibility caused by the new development.

Mr. Wells said the meeting with National Park personnel was to address how they transition people from the Park into this property.

- Jeff Mathis from MRW Design came up with a preference of how to accomplish this (Attachment #1). He presented a modification to widen the sidewalk and better accommodate foot traffic. This change would not require the Park Service to change their formal trail.
- The staff report required a change to the material of the retaining wall. The applicant said it will be changed to colored concrete similar to what is already on the property. Mr. Wells provided a picture to illustrate (Attachment #2). Mr. Dansie added when people ask for an example of a retaining wall this is the one they recommend is modeled.

Mr. Marriott asked if there was a need for rip rap along the side of the embankment. Mr. Dansie said he recommended an engineer's analysis.

- Mr. Wells said in 2010 there was an unprecedented amount of water without breach onto the property. The berm that is there is effective. He understands the importance to comply with the flood hazard permit and feels comfortable in their ability to retain the river within the flood way.

Mr. Taylor asked if the cottonwood tree along the river bank would stay. Mr. Wells answered the plan is to keep all native vegetation.

Community questions: None were asked.

Motion made by Joe Pitti to open public hearing; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye
Marriott: Aye
Motion passed unanimously.

Public comment period: No comments were made.

Motion made by Liz West to close public hearing; seconded by Mike Marriott.

Taylor: Aye
Archer: Aye
West: Aye
Pitti: Aye
Marriott: Aye
Motion passed unanimously.

Commission discussion: Ms. West said the applicant's proposal was very thorough. Mr. Pitti agreed and said it appeared to meet architectural and zone standards.

Motion made by Mike Marriott to approve the Design/Development review for the new commercial building at 145 Zion Park Boulevard based on the findings it is compliant with the Village Commercial standards including architectural standards required. Conditions include: 1) the applicant must obtain a flood hazard development permit from the DCD prior to a building permit being issued; 2) the diamond block retaining wall shown on the plans must be faced with an approved exterior building material; seconded by Joe Pitti.

Taylor: Aye
Archer: Aye
West: Aye
Pitti: Aye
Marriott: Aye
Motion passed unanimously.

Public Hearing – Conditional Use Permit: Transient lodging facility at 180 Zion Park Boulevard (short term rental of upper floor apartment): Mr. Dansie said this was a request to use the upstairs apartment for transient lodging which is a conditional use in the Village Commercial zone. Commissioners should review the permit for compliance with standards in the ordinance. If it complies, the Commission should recommend approval to the Town Council or place reasonable conditions on the permit to make compliant. It was a straightforward application and Commissioners should consider how it impacts surrounding neighbors. The area is already highly commercial.

- Mr. Pitti asked if the applicant needs to be present for a public hearing. Mr. Dansie said there is no requirement the applicant is present. Obviously if the Commission has questions they cannot be answered.

Ms. West asked about landscape design requirements. Mr. Dansie said the property has abundant natural open space, most of which is on the hillside. The building was constructed after the landslide. He noted that a conditional use permit request does not have a landscape requirement.

Mr. Taylor said the light fixture on the porch is open-faced and not shielded. Mr. Dansie said the applicant stated in their submittal the light can be corrected to be in compliance.

- Mr. Taylor asked if there was a standard for pathway lighting. Mr. Dansie indicated there was no requirement for the number of lights. The Town only regulates the design and application of lights.

Community questions: None were asked.

Motion made by Mike Marriott to open public hearing; seconded by Liz West.

Taylor: Aye
Archer: Aye
Pitti: Aye
West: Aye

Marriott: Aye
Motion passed unanimously.

Public comment period: None were made.

Motion made by Liz West to close public hearing; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Mr. Marriott said the request appears to meet the standards with the exception of the patio lighting.

Motion made by Liz West to recommend approval of the proposed conditional use permit for a transient lodging facility at 180 Zion Park Boulevard based on findings the Village Commercial zone and conditional use ordinance are met concerning the six general and three specific standards. Conditions include: 1) the light on the porch come into compliance; seconded by Jack Archer.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Sign Permit: Subway, 180 Zion Park Boulevard: Mr. Dansie said this was a request for one wall mounted and one free-standing sign. Both are under the maximum size limits and will be internally illuminated.

- The ordinance requires the sign be set back 3' from the right-of-way, but the existing sign received previous approval from the Town Council and UDOT for this location. The new sign will replace the old one.

Mr. Archer asked about the status of the window signs.

- Mr. Dansie said the applicant has been advised the signs are too large and businesses are only allowed two window signs at a maximum size of 3-1/2' square feet each. The applicant has expressed a willingness to comply; however the window signs have not been taken down yet.

Mr. Staker asked about the status of the formula restaurant sign ordinance revision. Mr. Dansie said there was no proposed ordinance to regulate formula restaurants any differently than other businesses.

Mr. Pitti suggested the Commission look at the signage ordinance again. He said with recent allowances for neon signs, the ordinance had become more expansive. He did not believe this was the intent.

Mr. Taylor asked if the proposed sign materials for this application met the ordinance.

- Mr. Dansie said approved materials were metal, wood or stone. Internally illuminated signs can use plastic or polymer faces for text and logo areas being illuminated. For this application the wall mounted sign is completely plastic or polymer. The free-standing sign has a rusted metal base, supports and planter but the Subway portion is plastic or polymer.
- Mr. Taylor said the sign may hit the details of the ordinance but it did not meet the spirit of the ordinance.
- Mr. Marriott disagreed and said the free-standing sign did not meet the details of the ordinance. The green field must be metal in order to be compliant.
- Mr. Dansie indicated he spoke to the applicant about the materials. The applicant wanted to make a strong case for approving the sign as presented stating the green background will be opaque and no light will shine through.

Commissioners noted that other signs in Town such as Sol Foods, Flying Monkey and the Hampton Inn have similar designs. Mr. Dansie said after the ordinance went into effect it was clarified to indicate what could be plastic or polymer and what could be illuminated.

- Mr. Marriott said unless the background is part of the logo, it would not be allowed. The applicant was not in attendance to argue the point.
- Mr. Dansie said the applicant felt the Commission should also take into consideration the fact the signs are smaller than what the ordinance allows.
- Based on a Google search Mr. Pitti said it did not appear the background was part of the logo.

Mr. Pitti reiterated the Commission should look at the signage ordinance and provide more uniformity. He suggested a grace period for other signs in Town to come into compliance. The Commission should stand behind what they believe to be a good sign.

- Mr. Archer agreed and felt this applicant should be compliant with the current ordinance. The Commission needs to be consistent with what is allowed.
- Mr. Burns said the pushback could be the applicant installs larger signs. This is a risk.

Motion made by Joe Pitti to approve the master sign plan at 180 Zion Park Boulevard which includes a building mounted and free-standing sign. Conditions include: 1) the applicant must remove any window signage that does not comply with the Town's window sign regulations prior to install of the new signs; 2) the free-standing sign uses an approved background material as indicated by the Town ordinance; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Consent Agenda

Motion made by Randy Taylor to approve the Consent Agenda; seconded by Jack Archer.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Motion to adjourn at 6:32pm made by Liz West; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL: 

DATE: 10-20-15

