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**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING ON TUESDAY, APRIL 5, 2016,
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.
THE MEETING BEGAN AT 5:00 PM.**

MEMBERS PRESENT: Vice Chair Liz West, Allan Staker, Randy Taylor, Scott Taylor, Mike Marriott and Jack Burns from Zion National Park.

EXCUSED: Jack Archer

ALSO PRESENT: DCD Tom Dansie, Associate Planner Toni Benevento 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 Allan Staker.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie announced the firm doing the SR-9 reconstruction design was conducting extensive community outreach. They planned a public comment session on May 12th at the Canyon Community Center. In addition they had a website and hotline number for additional information. Contact information cards were available at the Town Hall front desk.

Mr. Burns said starting next month Zion National Park would hold public listening sessions in Springdale, St. George, Cedar City and Kanab in conjunction with their Visitor Use Management Planning Project. The Park would also pose questions to the public through a virtual listening session.

Commissioners commented they had heard good things about the new shuttle signage.

Ms. Carlson announced Public Officials Training would be held Friday, April 15th at the Virgin Town Hall from 9:30am – 3:00pm. There were a number of fantastic speakers scheduled to conduct workshops on a number of topics.

Ms. Benevento said the next Night Sky Event would be held April 15th at 7:30pm. Southern Utah University professor Cameron Pace would speak and bring a planetarium.

Action Items

Public Hearing – Final Subdivision Plat: Mountain Vista Development, Inc. has applied for a Final Subdivision Plat for the Moenave Subdivision, located on approximately 30 acres between Paradise Road and Lion Boulevard:

Mr. Dansie said the final plat was the last approval making the subdivision final. The Planning Commission must confirm the final plat was consistent with the preliminary plat, conditions for approval were satisfied and the infrastructure was either in place or would have a performance guarantee. Mr. Dansie briefly reviewed the history of the project for Commissioners.

Commission questions:

Mr. R. Taylor asked about the exemption from landscape. Mr. Dansie said the Valley Residential zone required 70% natural open space or landscaped area. Since there was an abundance of common area provided this satisfied the requirement.

Mr. R. Taylor asked how affordable housing was defined. Mr. Dansie said Town code section 10-6A outlined specific requirements.

Mr. R. Taylor asked if each individual structure would require a design development review. Mr. Dansie answered 'yes'.

Mr. R. Taylor asked for clarification regarding the comments sent via email by Gay Bergstrom. Mr. Dansie explained some of the Moenave subdivision surrounded graves of the Pioneer Cemetery. This section of the property would be dedicated to the Town by the developer. A deed was prepared and would be recorded coincident with the final plat. The property would be preserved as a historic asset.

- Mr. Dansie said the Town was interested in the other section of the cemetery currently in the name of O.D. Gifford who was deceased. Staff began a conversation with the heirs of O.D. Gifford but unfortunate communication resulted in the email. The family was concerned the Moenave development would impact the Pioneer Cemetery.
- Mr. S. Taylor asked if the Town was in any jeopardy because the family indicated they hired an attorney. Mr. Dansie believed the family wanted to take the property through probate and transfer title to a family trust.
- Mr. Staker asked if there were any boundary disputes. Mr. Dansie said a title report was conducted on the subdivision which was reviewed by the Town attorney and engineer.

Mr. Marriott questioned if it was prudent for the Planning Commission to approve the final plat before the road agreement was finalized. Mr. Dansie said this would be for Commissioners to decide, however a final draft was being reviewed by attorneys. The Town and developer were satisfied with the terms.

- Mr. Staker asked if the Commission had any influence on the road agreement. He said traffic was a huge issue in Town. Mr. Dansie said the Commission had a great degree of input regarding traffic impacts in 2013 with the preliminary plat zone change. This was the reason why the road agreement was made a condition of approval.
- Mr. R. Taylor asked if the road agreement had financial commitments. Mr. Dansie said the agreement binds the developer to participate in their proportionate share of infrastructure improvements. The Town would conduct a study to determine what percent of traffic was attributed to the Moenave subdivision. Once recorded, the agreement would be legally enforceable. If the developer failed to perform the Town could file suit.

Ms. West raised concern locals would use Winderlund Lane as a short-cut through Town. She asked how this could be regulated. Mr. Dansie agreed this was a possibility. He said it may be possible to mitigate impacts with signage or other measures.

Public questions: Ciaran McShane, resident on Paradise Road, said increased traffic on Paradise Road would affect them tremendously. The road did not have proper paving, lighting or pedestrian walkways. He asked if Paradise Road would be part of the road agreement. Mr. McShane asked if the common areas would have a play zone for children.

- Mr. Dansie indicated the road improvement agreement would likely focus on the intersection at Lion Boulevard. Improvements on Paradise Road could be considered by the Town Council but were separate from Moenave. Regarding play areas, Mr. Dansie did not believe the common areas had a specific use identified.

Mr. R. Taylor requested construction traffic use Lion Boulevard. Mr. Dansie said this had been discussed during the pre-construction meeting,

Chuck Passek, a Red Hawk resident, asked if a visual barrier could be installed by the wash to minimize headlight traffic in that area.

Ciaran McShane asked if there would be proper management of affordable housing units. He also questioned how affordable housing qualifications would be looked at.

- Mr. Dansie said there were provisions in code section 10-6A regarding affordable housing. Eligibility terms would be different than Red Hawk.
- Derek Ellis was in attendance to represent the developer and answer questions. He indicated the affordable housing units would be managed by a professional group. The subdivision would be subject to a master HOA.

Regarding concern about traffic on Winderlund Lane, Mr. Ellis said it would be a public dedicated street 56' wide. There was a high probability it would supplant SR-9 in some ways. He said signage could be developed. Installation of speed bumps must be cleared by public works and were a legal issue.

Motion made by Scott Taylor to open public hearing; seconded by Mike Marriott.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: None were made.

Motion made by Scott Taylor to close public hearing; seconded by Allan Staker.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Commission deliberation: Mr. Marriott said the final plat appeared to conform to the preliminary plat with the exception of the common area shifting for drainage. As long as the Commission was comfortable the road improvement agreement would be finalized later, he felt everything was in order to approve.

Mr. S. Taylor noted that during their analysis Town staff agreed conditions had been met.

Ms. West reiterated her concern about managing traffic flow and speed. She said Lion Boulevard should be the main thoroughfare.

- Mr. Dansie said engineers were considering options for the Lion Boulevard/SR-9 intersection. The Town had discussed possible improvements to the area with both Stewart Ferber and Max Gregoric since their properties could be impacted.
- Mr. Marriott commented the Town might be better served to improve Winderlund Lane since improvements were already scheduled near Lion Boulevard during the SR-9 reconstruction project. Commissioners agreed it was important to keep options open regarding road improvements. The traffic study would identify recommendations.

Motion made by Mike Marriott to recommend approval of the final plat for the Moenave subdivision based on findings it conforms to the preliminary plat with the one adjustment that common area is shifted for drainage. With conditions: 1) the road improvement agreement details the developer's requirement to participate in the improvement of Lion Boulevard, Paradise Road or Winderlund Lane intersection; this must be executed and recorded prior to the final plat being signed and recorded, 2) no Certificate of Occupancy will be issued for more than three of the VC-PD multi-family lots until one of the VC-PD lots is developed with the required affordable housing; the affordable housing will be subject to section 10-6A of Town code 3) the final plat will not be signed and recorded until the performance guarantee for infrastructure as required by section 10-14B-6 is submitted and approved by the Town attorney, 4) areas shown on the preliminary plat shown to be dedicated for municipal use must be deeded to the Town coincident with recordation of the final plat; final plat will not be recorded until deeds conveying these properties are submitted to the Town attorney and engineer for review; seconded by Randy Taylor.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Grading Permit: The Mesa Project requests approval of a grading permit to improve an existing access road on parcel S-128-C: Mr. Dansie displayed a map on the screen which identified the property owned by The

Mesa. The fire marshal required the road be widened and made less steep for the eventual development of the property. These improvements would require additional grading and disturbance therefore a permit was needed.

- Mr. Dansie said the excavation would not meet either of the Town's requirement to avoid disturbance of natural slopes of 30% or greater or the height limit of 10' for cut slopes.
- The applicant requested a variance from the Appeal Authority. The hearing officer had not issued a decision yet. Mr. Dansie recommended the Planning Commission review the application as presented and condition the motion based on the hearing officer granting approval of the variance.
- Mr. Dansie indicated a variance and grading approval was previously approved in 2009 but had expired.
- Ms. West asked if there had been any changes to the ordinance since 2009. Mr. Dansie said 'yes' but nothing that would impact this project.

Grading would be reduced where possible; however the Town's water line runs through the road and therefore presents challenges. Mr. Dansie said the fire marshal reviewed general plans and gave preliminary approval for the grading.

Mr. Dansie provided background on the project. He said The Mesa was an artist's residency retreat project. There were residential units and common areas.

Mark Schraut was in attendance to answer questions. He said there were four to five proposed studio duplex units, a manager's residence, a commons area for meals and meetings, and an art studio. Ownership would remain with The Mesa, a non-profit organization. Units would not be sold. The road leading up to the project was private.

Challenges of the intersection had been discussed numerous times with engineers. No other viable solution was identified. A gate was proposed to lessen confusion in the intersection and help identify the road as private.

- Ms. West said under section 10-14-9(C) gated communities was prohibited. Mr. Dansie clarified this specific regulation applied to subdivisions. The Mesa would be a single property with single ownership. The General Plan discouraged gated subdivisions.
- Mr. Schraut said if a gate was undesirable they could consider using signage.

Mr. Burns asked if there were potential impacts to the desert tortoise. Mr. Schraut said they met with the Southern Utah Desert Habitat organization. They gave clearance of the area but asked to be on-site for the initial grubbing in lieu of a tortoise fence. Mr. Burns asked their comments be put in writing.

Commissioners again discussed concerns over the configuration of the intersection. Mr. Schraut said the offset of the intersection met the ordinance. He felt it was the only option.

- Ms. West was concerned about safety in the intersection. Mr. Schraut understood it was not ideal. Signage and lane stripping would help.

Mr. Schraut mentioned the previous variance and grading approval expired because The Mesa fell short of their fundraising goal and could not proceed.

It was believed grades in Anasazi Plateau exceeded 15%. Mr. S. Taylor noted these grades seem to work for fire trucks and garbage trucks even though it was not ideal. Anasazi Plateau serviced significantly more residences.

Ms. West confirmed The Mesa would replant any trees taken out at a 2:1 ratio. They would also reseed with approved native seed. Drainage would not change and would flow into existing culverts. They planned to build a tiered wall in the landslide section. Mr. Schraut indicated a geotechnical engineer would review plans for this wall again before it was constructed.

Mr. S. Taylor asked if pedestrians would be allowed to pass if the road was gated. Mr. Schraut said this had not been discussed. People currently do but he was unsure if the property owner intended to keep locals out or not.

- Mr. Dansie said the Commission could encourage The Mesa to consider public access. Although publically zoned it was not public property.

Ms. West asked about documentation regarding the access easement on the Town-owned property traversed by the proposed access road. Mr. Schraut had a diagram and the legal description was recorded with the county.

- Mr. Dansie said staff was unable to find a recorded easement. He said Commissioners should verify a right-of-way was granted.

Ms. West asked if the applicant had obtained an encroachment and utility permit from the Town's Public Works Department. Mr. Schraut said not at this time. Widening of the road and building the retaining walls would be the first phase of the project.

James Thompson from Rosenberg Associates was in attendance to answer questions. He said they worked with both Moenave and Mr. Schraut and considered access options for the intersection. The minimal coverage on the water line running up the road greatly changed the options. Moving existing utilities would be cost prohibitive. Raising the road would also create major traffic impacts. The current grading proposal was the most viable option.

Motion made by Randy Taylor to approve the grading permit for The Mesa access road as presented contingent on variance approval, otherwise this approval is void. The Commission discussed many possibilities for the intersection and it was determined the submitted proposal was the best available. With conditions: 1) any mature vegetation over six feet in height that is removed in conjunction with the project must be documented and replaced at a 2:1 replacement ratio with vegetation of the same or similar species, 2) all areas disturbed during the grading must be revegetated with desert seed mix and native shrubs at the following rate: 1 pound of desert seed mix per 250 square feet of disturbed area, and 5 desert shrubs per 250 square feet of disturbed area, 3) the applicant must provide documentation of the access easement on Town-owned property traversed by the proposed access road, 4) the applicant must obtain an encroachment permit from the Town's Public Works Department for the proposed access onto Lion Boulevard, 5) the applicant must obtain a utility permit from the Town's Public Works Department for installation of utilities, 6) a desert tortoise report be obtained and a copy be provided to Zion National Park; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Discussion/Information/Non-Action Items

Ordinance revision: Adjustments to the maximum height of fences and walls in setback areas: Mr. Dansie said in the last meeting Commissioners discussed allowing an 8' side or rear fence for residential uses adjacent to commercial properties. They also indicated a Chief of Police review of the front setback before allowing a higher fence was an unnecessary requirement.

Although absent from the meeting, Mr. Archer provided earlier feedback to Mr. Dansie. He said a taller buffer or screen was intended to benefit residences. Therefore, Mr. Archer did not want to include the requirement commercial properties sign off on the increased height of a residential fence. Commissioners agreed.

- There was no financial obligation required of commercial properties to participate in the expense of any fence or buffer.

Commissioners discussed the amount of setback allowed in front of a residence with a fence. They concluded 5' would be better than 10' due to the amount of gardening and maintenance required.

Adjourn

Motion to adjourn at 7:23pm made by Mike Marriott; seconded by Scott Taylor.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL: _____



DATE: _____

4-21-16

