



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

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING ON TUESDAY, MAY 3, 2016,  
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.  
THE MEETING BEGAN AT 5:02 PM.**

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

**EXCUSED:** Allan Staker

**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 Jack Archer to approve the agenda; seconded by Liz West.**

**Archer: Aye**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:** Mr. Dansie announced Commissioner Allan Staker was unable to attend. Scott Taylor, as Planning Commission alternate, will be a voting member tonight.

The next night sky program will be held this Saturday at 8pm. The topic Night Sky Photography would be led by Alex Chamberlain a professor at Dixie State University.

Next Thursday, May 12<sup>th</sup> there will be a public open house to discuss the SR-9 reconstruction project. It will be an excellent opportunity for the public to get questions answered. Everyone was highly encouraged to attend. The preliminary design will be unveiled.

**Action Items**

**Public Hearing – Ordinance Revision: Changes to section 10-20-9 making adjustments to the maximum height of fences and walls in setback areas:** Mr. Dansie said this ordinance alters the height limit for fences and walls in front setback areas as well as residential properties adjacent to commercial properties. The intent was to provide additional privacy and mitigate impacts. The ordinance revision also clarified how the Town regulated fence heights in front yard setbacks.

The Planning Commission provided comment during two previous work meetings and these had been incorporated into the current draft. Mr. Dansie said the Commission should consider the draft and make a recommendation to the Town Council.

**Public questions:** None were asked.

**Motion made by Jack Archer to open public hearing; seconded by Liz West.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Public comments:** None were made.

**Motion made by Liz West to close public hearing; seconded by Scott Taylor.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission deliberation:** Mr. S. Taylor said he was in favor of the ordinance as written; it was very workable. Mr. R. Taylor and Mr. Archer agreed and said it had been discussed quite a bit.

Mr. Marriott said they needed to clarify the 'either' 'or' language under section 1 (a) and (b). Mr. Marriott expressed reservation that the *use* should be the focus opposed to the *zone*. If there was a residential use in a commercial zone, having the option of an 8' fence might be beneficial.

- Mr. Dansie helped to clarify and stated 'zone' was seen as more permanent whereby 'use' was more transitory. The intent of the ordinance was to provide benefits to residential uses rather than commercial uses. Fence limits afford privacy but preserve a sense of community.
- Mr. Marriott said allowing an 8' fence between two commercial uses would not necessarily be problematic.
- Ms. West expressed concern about creating a town filled with too many and higher fences. Mr. R. Taylor agreed. The ordinance was designed to solve a particular problem and not allow tall fences all over Town.

Mr. Marriott recommended under C-1(a) the words "on residentially zoned property" be removed.

- Mr. Archer agreed. Some residents are in commercial zones. The intent was to protect residents from commercial impacts.
- Mr. Dansie said he did not think there was significant threat to the Town's character by allowing taller fences in the commercial zones.

The ordinance also affected side and rear yards.

**Motion made by Mike Marriott to recommend for approval Ordinance 2016-07 and changes to section 10-20-9 making adjustments to the maximum height of fences and walls in setback areas; with the adjusted language in 10-20-9(a) adding an 'or' to notate one or the other, both criteria do not have to be met; and in section C-1(a) strike the phrase "on a residentially zoned property"; and under C correct typo from 'exceed' to 'accept'; seconded by Liz West.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Residential Design/Development Review: 76 Zion Shadows Circle, Lot 16 (continued from April 19<sup>th</sup> meeting):** Ms. Benevento said this item was a continuation of the Design/Development Review from the last meeting. Prior concerns were landscape, parking access and use of property as a vacation rental. Ms. Benevento spoke to the owner and was told the intent of the property was always to be for employee housing.

Ms. Benevento explained the VR-B zone required 40% landscape or open space. For this lot 48% was designated impervious which included the building footprint and drive area. The remaining 52% was pervious and landscape.

- Three parking spaces were required. Two parallel spaces were on either side of the walkway and one in the shortened drive. It was a non-conforming use, but as previously discussed, it was not an extension of the use.

Tracy Glover, a representative from the Desert Pearl, was in the audience to answer questions. He reiterated the intent of the property was for employee housing.

Ms. West said she did not find reference that grassy pavers were accepted as landscape. Ms. Benevento said they were not counted as landscape.

Kathleen Kavarra-Corr was in the audience and allowed to provide comment. She said a lot of recent development was represented as for employee housing but she questioned how the Town held property owners accountable to this use. Ms. Kavarra-Corr expressed concern about enforcement.

- Mr. Dansie replied the developer did not request special consideration for the development of employee housing, therefore they can use the development for regular housing in the future. If a developer took advantage of incentives such as deferred impact fees in order to build employee-specific housing, the Town had a mechanism to enforce compliance. Mr. Dansie said transient lodging in this zone was not permitted.
- Mr. S. Taylor said as long as the owner was compliant with code; they were allowed to do what they wanted with their property.
- Mr. Dansie stressed the Commission needed to evaluate this proposal based on standards of the ordinance and not give preference to the fact it was intended for employee housing.

Mr. Glover said the Desert Pearl currently rents properties in Town for certain employees. This proposed development would consolidate this effort, provide employee housing, and save money.

Mr. S. Taylor asked if the fence would be repaired or replaced. He observed it had deteriorated.

- Ms. Benevento said according to the architect they hoped to repair the fence but would replace if necessary.
- Mr. Dansie indicated the Commission could request a new fence but it was not a requirement to replace it.

Commissioners agreed the parking issue was resolved with the new layout. Landscape was also increased.

Ms. West asked about burying power. Mr. Dansie answered any new service would need to be underground but existing lines could stay above ground.

**Motion made by Mike Marriott to approve the Design/Development Review for 76 Zion Shadows Lot 16 based on findings it complies with the applicable ordinances for the zone; With the condition the color palette be approved in full by the Town staff; seconded by Randy Taylor.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

The Commission took a brief break.

#### **Discussion/Information/Non-Action Items**

**Discussion of Planning Commission priorities for upcoming work meeting agendas:** Mr. Dansie said the Commission recently completed big projects including the General Plan update and wireless communication ordinance. Their schedule was now freed up to consider priority items.

- Priority areas in the General Plan proposed action items such as planning studies or ordinance amendments. Mr. Dansie said the Commission should determine their top priority items for the next year so staff could help prepare background materials.

The list of priority areas in the General Plan were: Enforcement of Ordinances; Pedestrian Oriented Streetscape; Parking, Traffic and Transit; Virgin River Protection; Lodging Establishments Compatible with Village Scale and Atmosphere; Housing Diversity and Affordability; and Open Space and Town Trails. The Commissioners also previously discussed the signage ordinance.

Mr. Archer asked if the enforcement of ordinances was being handled by the Police Department.

- Mr. Dansie said enforcement was a split responsibility between the Community Development Department and Police Department. The Police Department followed up on violations. The problem with any code enforcement policy was that ultimately the property owner needed to take corrective action and some were more willing than others. Citations could be issued which have financial penalties.

Mr. Archer wanted to be sure the Planning Commission had backing from the Town Council for any issues they proceeded to work on.

- Mr. Dansie said on the upcoming Town Council agenda, the Council would discuss the General Plan. The intent was to have a conversation about priorities. The Council had the updated General Plan for a few months and should provide feedback to the Planning Commission and staff.

Mr. Archer said once the SR-9 reconstruction project was designed it would help to understand the intent for parking and bike lanes.

Mr. Marriott asked how involved UDOT would be in the streetscape. Mr. Dansie said the UDOT project scope was maintenance on the road. UDOT did not intend to do much work outside the existing curb and gutter or pavement width. There still were opportunities to stripe for parking or add bike lines but the SR-9 project would not solve all the street issues.

- Mr. Dansie agreed it was important to wait and see the design of the SR-9 project but if a pedestrian-oriented Town or village-scale streetscape was important, the Commission should continue to work on these issues. The SR-9 reconstruction was only one component.

Mr. Marriott asked if any funding was set aside for concurrent work on the road. Mr. Dansie said there were a number of additional projects the Town was considering while the road was torn up.

Mr. R. Taylor asked if the Planning Commission would have an opportunity to comment on the SR-9 design plans.

- Mr. Dansie said everyone would have a chance to make comments at the May 12<sup>th</sup> open house; however the Planning Commission would likely not have a formal chance to review as a body.

Mr. Burns said residents had expressed concern with the overall development in Town and the scale of that development. He said the General Plan talks about unique character and village scale but there was conflicting language between this and ordinances. He acknowledged property owners should be able to do what they want with their property however there was conflicting language between what was said versus what was allowed. Mr. Burns said the General Plan indicated commercial development should benefit the Town and residents; therefore he asked how it was determined this goal was achieved.

- Ms. West commented she had similar thoughts. What people wanted, versus what was realistic, may be two different things. Commercial property owners want to develop to full potential even though the General Plan emphasizes smaller, boutique size. Ms. West agreed there was a conflict.

Mr. R. Taylor questioned if the Commission should change ordinances to lower allowable square footage and heights to reduce mass. Mr. Archer said previously the Commission considered these changes in relation to lodging but not commercial property in general.

- Mr. Burns expressed concern the character of the Town was being eaten away. He questioned what Springdale will look like in 10-20 years if development of large scale was allowed to continue.
- Mr. Archer said the Commission needed to define village scale but it meant something different to everyone. He felt village scale was lost a long time ago. Mr. Archer understood settlement agreements could not be changed, however the Commission could consider changes. He wanted to be sure the Town Council backed the work of the Commission.
- Mr. Dansie recommended the Commission develop a list of priority items for the Council to review.

Ms. Kavarra-Corr said there should be a coordinated approach to priorities. Also, regarding pedestrian oriented streetscape, Ms. Kavarra-Corr said UDOT did not think much of pedestrian space. She said there needed to be more of a pedestrian presence within the UDOT plan.

- Mr. Dansie said the State right-of-way was under the jurisdiction of UDOT and not the municipality. UDOT would take comments into account.

Mr. R. Taylor said the sign ordinance had given the Commission recent trouble. They needed to define what a logo was and not allow it to be the whole sign. He wanted to reign in signs and have the ordinance strictly define what could be done. Most applicants comply but there were always the outliers that bend the ordinance to get what they want. Mr. R. Taylor said the sign ordinance should be looked at deeply.

- Ms. West wanted to create guidelines about lumens to determine how bright a sign can be.

Mr. S. Taylor recommended each Commissioner indicate their top three priorities.

- Mr. S. Taylor priorities were: parking, traffic and transit; sign ordinance; and lodging establishments.
- Mr. Marriott priorities were: a blend of pedestrian-oriented streetscape and parking, traffic and transit; housing diversity; and signage.
- Ms. West priorities were: signage, a blend of parking, traffic and transit and pedestrian-oriented streetscape; and a blend of lodging establishments and housing diversity/affordability.
- Mr. R. Taylor priorities were: signage; housing; lodging establishments plus other commercial developments.
- Mr. Archer priorities were: a blend of parking, traffic and transit and pedestrian-oriented streetscape; signage and logos; and a blend of lodging establishments and housing diversity/affordability.

Based on input the top two priorities were parking/traffic and signs, followed by lodging and housing.

Mr. Archer asked Commissioners if there were any other priorities to include.

- Ms. West questioned VR-A and VR-B zones and the allowable height and size of buildings. She thought these standards should be re-evaluated.
- Mr. R. Taylor shared similar concerns and suggested they consider different square foot maximums.

Mr. Dansie referenced an email sent in by Billy Hughes (Attachment #1). Mr. Dansie believed Mr. Hughes intended to reference the Village Commercial Planned Development Zone in his correspondence rather than the VR-A and VR-B zone.

- Mr. R. Taylor said there had been a lot of comments regarding how dense this area was already. Adding decks would likely make it denser.
- Mr. S. Taylor said he had no appetite for changing setbacks. Mr. Marriott indicated changing the setback to 5' was too close.

The Commission reviewed Mr. Hughes suggestion and determined it was not an issue they wanted to pursue.

Going back to discussion about priorities, Mr. Archer asked if the Town had money to purchase land for parking.

- Mr. Dansie said the Town was pursuing several funding opportunities that could provide money to acquire land and/or construct parking facilities. Washington County had guaranteed the Town a significant amount of money to be used for parking congestion mitigation.

Regarding the Moenave development, Mr. Dansie said the developer started to ramp up again since their final plat had been approved. The Town Council approved the final plat contingent on the road improvement agreement being finalized and escrow deposits made.

Mr. Archer asked about traffic circles. Mr. Dansie said this topic had been discussed extensively with UDOT. Initially UDOT expressed hesitancy due to funding and project scheduling issues but there was the potential to access additional funding through the Federal Lands Access Program.

- Mr. Archer said some business owners indicated visitors were driving straight through Town and not stopping. He felt the Town should look at parking in Town so businesses feel a positive effect from the increase in visitors.
- Mr. Dansie said most visitors like to park as near to Zion National Park as possible creating parking congestion near the entrance and Lion Boulevard. A strategy from the Transportation Master Plan, which was nearing completion, would be to manage and disperse parking throughout Town.

The Commission's list of priorities would be passed by the Town Council. Staff would then provide background information to help make the process more effective.

**Consent agenda**

**Motion made by Mike Marriott to approve the consent agenda; seconded by Randy Taylor.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Adjourn**

**Motion to adjourn at 6:37pm made by Jack Archer; seconded by Mike Marriott.**

**R. Taylor: Aye**

**Archer: Aye**

**West: Aye**

**S. Taylor: Aye**

**Marriott: Aye**

**Motion passed unanimously.**



Darci Carlson, Town Clerk

APPROVAL: \_\_\_\_\_



DATE: 5-17-16



**Darci Carlson**

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Tuesday, May 03, 2016 1:49 PM  
**To:** jarcher@springdaletown.com; mmarriott@springdaletown.com;  
lwest@springdaletown.com; 'Allan Staker'; rtaylor@springdaletown.com;  
staylor@springdaletown.com; jack\_burns@nps.gov  
**Cc:** planner@springdaletown.com; Darci Carlson  
**Subject:** FW: Proposed Ordinance Change  
**Attachments:** All.doc

Commissioners-

Please see the attachment in the forwarded email regarding a request for an ordinance amendment. The Commission may wish to discuss this proposal as part of the conversation about Commission priorities in tonight's meeting.

Thanks!

Tom

-----Original Message-----

From: Billy Hughes [REDACTED]  
Sent: Thursday, April 28, 2016 11:34 AM  
To: [dcd@infowest.com](mailto:dcd@infowest.com)  
Cc: Billy Hughes  
Subject: Proposed Ordinance Change

Tom, Thanks in advance for any help. Please advise me if I need to do something more or different. Billy

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BEGIN-ANTISPAM-VOTING-LINKS

Teach InfoWest Spam Trap if this mail (ID 01QNTPMWp) is spam:

Spam: <https://spamtrap.infowest.com/canit/b.php?i=01QNTPMWp&m=63aec9bb96bf&t=20160503&c=s>

Not spam: <https://spamtrap.infowest.com/canit/b.php?i=01QNTPMWp&m=63aec9bb96bf&t=20160503&c=n>

Forget vote: <https://spamtrap.infowest.com/canit/b.php?i=01QNTPMWp&m=63aec9bb96bf&t=20160503&c=f>

REMEMBER: Never give out your account information, password, or other personal information over e-mail.

END-ANTISPAM-VOTING-LINKS

Proposed change to setback requirements for VR-A and VR-B properties to 5 feet in certain situations. (Current setback requirement is 10 feet)

A goal of Section 3.5 of the General Plan/Land Use and Zoning seeks to reduce non-compliant properties in Springdale. One option sited to address non-compliant properties in Springdale is to change or amend current codes or ordinances rather than insist on bringing non-compliant properties into compliance.

I believe a balance can be struck that would address non-compliance and allow more flexibility for homeowners while adhering to the spirit of the code which serves to preserve the atmosphere of Springdale.

History: We bought one of the town home units at 77 Juniper Lane. Units 107-118 did not have balconies added like units 101-106. I have polled other owners here and they have expressed a desire to have a balcony added to the back of their town homes. We are unable to install these under the current ordinance.

Several reasons cited for wanting to add a balcony are:

1. **Safety:** A balcony would provide a second means of egress (or area of refuge) from the second story in the event a fire in the downstairs prevented escape via the stairs. ( while not required by our current fire code, a second means of egress or area of refuge from any structure is fundamental and often required by some fire codes such as NFPA Life Safety 101) At the very least a second means of egress is always prudent.
2. **Privacy:** A balcony and solid railing would provide privacy in the upper bedroom from traffic in the adjacent parking lot. (With the added privacy, upper window shades could be more fully opened for views and ventilation as well.)
3. **Enhanced use of property:** A balcony would provide shelter over the back porch area which would allow use of the back porch during inclement weather.

I am proposing a change to the setback requirements for VR-A and VR-B properties.

Current setback requirements are:

D. Rear Yard:

1. VR zone: Twenty feet (20').

2. VR-A zone and VR-B zone: Ten feet (10'). (Ord. 2013-11, 12-11-2013)

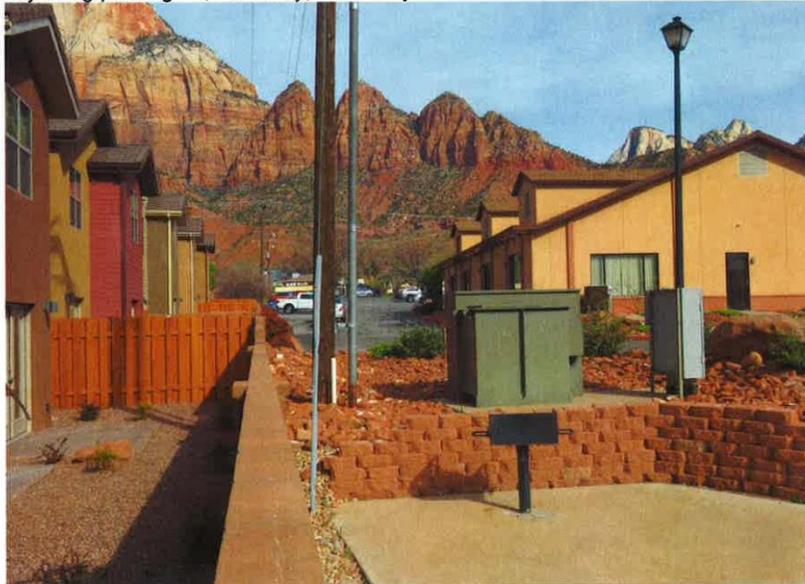
**Code 10-9B-7**

I am proposing that the setback for VR-A and VR-B properties be reduced to Five feet if at least one of the following situations exists and future development would not be expected.

- A. If the property backs up to a driveway.
- B. If the property backs up to a parking area.
- C. If the property backs up to a public utility easement

Below are example photos of an area where allowing a reduced setback would not stray from the intent or spirit of the code nor would it extend into an area where future development would be expected or affected.

Picture 1 is looking at the property line between the town homes and the adjoining parking lot, driveway, and utility easement.



Picture 2 is of the back porch areas that we would like to be able to cover with a deck. The deck would provide protection during inclement weather for the back porch as well as a second means of egress from the second story bedroom in the event fire downstairs blocks escape via the stairs.



Picture 3 is a comparable porch covering like the ones we wish to install. Please note the added privacy provided by the solid railing.



This requested change to the city code is in keeping with the goals of the Land Use and Zoning portion of the General Plan and would serve to address the component in 3.5 which seeks to reduce non-compliance. I have highlighted the applicable sections and deleted other sections to make reading less cumbersome.

### 3. Land Use and Zoning

May 11, 2011

3.26

#### 3.5. Non-Conforming Properties

##### Goal

To increase the consistency of both opportunity and compliance burden across conforming and non-conforming properties.

##### Objective 3.5.1.

Define a pathway for nonconforming uses and non-complying properties to come into greater conformity with the General Plan and Town Code as appropriate.

Due to the patterns of development in Springdale, many nonconforming uses and non-complying properties currently exist. A large number of these properties are in the Central Commercial Zone, the Town's "downtown." Non-complying aspects of these properties include impervious materials coverage, building size, setbacks and parking. It is important to note that not all nonconformities are created equal. Many of the non-complying aspects of buildings in the Central Commercial Zone (decreased front yard setbacks for instance) further the General Plan's goals of a pedestrian-oriented streetscape. In some situations it may be better to change or modify the Town ordinances rather than to insist on bringing non-complying buildings into conformity. The result of either action, changing the ordinance or the building, will result in fewer non-complying properties in town.

### Implementation Strategies

3.5.1.a. Map the prevalence of various specified types of nonconformity.

Implication: Action/Program

Implementation: Community Development

3.5.1.b. Examine any issues of fairness regarding differences between older and newer standards

Implication: Action/Program

Implementation: Community Development, Town Attorney

3.5.1.c. Analyze opportunities for bringing non-complying properties into conformity.

Implication: Action/Program

Implementation: Planning Commission, Community Development

3.5.1.d. Propose new ordinances or amend existing ordinances as appropriate in order to preserve site aspects that further the goals and objectives of the General Plan.

Implication: Policy/Legislative

Implementation: Town Council, Planning Commission, Community Development

Thanks you in advance for considering this change. I believe this change will be in keeping with the spirit of the code, reduce non-compliance, and provide greater safety, flexibility, and fairness to property owners who want to enhance their property's usability but are currently limited by their duty to be compliant even when some enjoy these same benefits while in a non-compliant state.