



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

**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON TUESDAY, SEPTEMBER 20, 2016 AT 5:00 PM AT
TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00 PM

MEMBERS PRESENT: Chairwoman Liz West, Jack Burns, Allan Staker, Randy Taylor, Scott Taylor, and Mike Marriott. Associate Planner Toni Benevento participated via teleconference

EXCUSED: Cindy Purcell representing Zion National Park

ALSO PRESENT: DCD Tom Dansie, and Town Clerk Darci Carlson recording.

Please see attached list for citizens signed in.

Mr. Dansie mentioned item A5 should be listed as lot 39 Canyon Springs not lot 38. This correction was noted.

Approval of Agenda: Motion made by Liz West to approve the agenda with change to action item A5 lot 38 Canyon Springs should be lot 39 Canyon Springs; seconded by Scott Taylor.

Burns: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie announced the next Night Sky Event was Thursday, September 22 at 8:00pm at the Canyon Community Center. Zach Schierl, Night Sky Ranger from Cedar Breaks, would be the guest presenter.

Ms. West dialed Toni Benevento into the meeting via teleconference. Allan Staker arrived to the meeting.

Action Items

Public Hearing: Conditional Use Permit – Breck Dockstader requests a conditional use permit to operate a transient lodging facility at the Watchman Villas, 1101 Zion Park Boulevard: Mr. Dansie said conditional uses were allowed in the zone if they met standards specifically adopted in the ordinance. If the proposed use met all the standards the Planning Commission would make a recommendation for approval to the Town Council.

- This application was for short-term rentals at a recently constructed facility. The front structure housed a retail space and one proposed transient lodging unit on the second story. The back structure had four units which were convertible to six units. The application was for five transient lodging units however there was a potential for seven. There was enough parking for seven units. The Commission's review of the request should be based on the adopted standards.
- Mr. Dansie noted construction was complete and inspections had been conducted however a certificate of occupancy had not been issued yet on the back building.
- The property was adjacent to two residentially used properties therefore staff recommended the Commission consider screening or buffering between the proposed transient lodging use and these residences.

Mr. Marriott arrived to the meeting at 5:10pm.

Public questions: Rosalyn Roth asked about the lighting on the Canyonland Village building. She said they were white and bright and asked if they were in compliance with the lighting ordinance. Ms. Roth hoped the new sign would not have this brightness.

- Mr. Dansie said currently there were no standards in the ordinance for color temperature. There were standards regarding how a light was designed, shielded and deployed. The applicant was amenable to shield the light as much as possible.

Kristen Benson asked how many parking spaces were needed per unit.

- Mr. Dansie indicated one parking space per one transient unit was required. The code did not make a distinction between occupancy of a unit versus unit count.
- Ms. Benson indicated the units were already being rented. Mr. Dansie said this would be a violation of the code and someone would need to look into it from an enforcement standpoint.

Breck Dockstader was in attendance to answer questions.

Mr. S. Taylor asked the applicant if he was willing to tone down the light brightness and intensity on both buildings. He said many in Town were troubled by the lights.

- Mr. Dockstader said they came up with shielding systems for the LED lights and were working on solutions to introduce softer light. He anticipated lighting issues would be resolved in the next 30 days.
- Mr. Burns asked about light spilling onto adjacent property. Mr. Dockstader indicated shielding would help this issue. Mr. Burns also questioned if that level of lighting was needed after hours. Mr. Dockstader indicated he wanted to be a good neighbor and address concerns appropriately. Lighting was needed on pathways for safety but he would work to mitigate lighting issues.

Regarding the five units that could be split into seven Mr. Dockstader said it was not their intention to market them this way, but it was possible down the road. There were enough parking spaces for seven units. If all units were occupied about 30 people could stay there.

- Mr. Dockstader said the plan was to extend the fence along the property line up to SR-9. Also if signage was approved banners would come down.
- Mr. Dockstader indicated there were twenty-two (22) parking stalls on the property. Seventeen (17) were required for both the business and transient lodging facility based on code requirements. The retention pond area could be used for additional parking but currently this section of the property was needed for the landscape provision.

Betina Lindsey asked about fire codes and who enforced them. She said the Dockstader's had been here their whole lives and bent over backwards to accommodate people's requests.

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

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Public comment: Kristen Benson said thirty people were too many and seven parking spaces were too few. The area was too congested already. She had issues getting out of her driveway and enough was enough.

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

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Commission deliberation: Mr. S. Taylor said the applicant was in compliance if willing to make minor adjustments to the lights as discussed.

- Ms. West said the applicant met all the specific standards for a conditional use permit. She was pleased Mr. Dockstader was willing to work with the neighbors on lighting.
- Mr. R. Taylor said when initially presented the project included transient lodging.
- Mr. Marriott said the Commission's task was to see if the project met the general and specific standards which he felt it did.

Mr. Dansie said every project needed to pass fire code standards. The Rockville/Springdale Fire Protection District used and administered the International Fire Code. As part of any business license process the fire chief conducted inspections for compliance.

Ms. West suggested the conditional use permit accommodate the seven units so there were no questions in the future.

- Mr. Marriott agreed and said they had the parking for it and the zoning allowed it.

Mr. Burns wanted to make a recommendation in the motion for the property owner to mitigate existing impacts to current lighting. He was concerned the conditional use permit would be issued and the impacts would remain. Mr. Burns hoped the applicant would work with neighbors and turn lights off at night. People appreciated the night sky. Mr. Dockstader acknowledged this was a valid point.

- Mr. Dansie said in order for the Commission to condition the permit regarding lighting beyond what was in the ordinance they needed to cite a specific finding that linked back to the standards of the ordinance.

Motion made by Mike Marriott to recommend approval to the Town Council of a conditional use permit for transient lodging in the Village Commercial zone at 1101 Zion Park Boulevard whereas the Planning Commission finds the proposal complies with the six general standards and the specific standards with the following conditions: 1) The banners currently on display be removed; 2) The transient lodging facility may not create loud noise perceptible on adjacent property after the hour of 11:00pm or before the hour of 7:00am; 3) The screening fence or wall must be at six (6) feet in height along the entire common boundary between the proposed uses and the adjacent properties; 4) All outdoor lighting on the property must be down-directed and shielded with full cut-off fixtures such that the light source is not visible beyond the property boundary. The Commission recommends the applicant address the lighting in such a way that satisfies the neighbors specifically dealing with color temperature and light trespass issues that currently exist. This is a seven unit transient lodging facility not five as the Commission finds the parking and other Town code supports a seven unit count. The Commission recommends the applicant address the timing of the lights at nighttime to mitigate any issues with the neighbors; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Public Hearing: Conditional Use Permit – Breck Dockstader requests a conditional use permit to rent motorized recreational equipment at 1101 Zion Park Boulevard: Mr. Dansie stated public inquiries regarding this application related to the type of recreational equipment being rented. Mr. Dansie recommended the Commission first determine if the proposed rental vehicle met the Town's definition of motorized recreational equipment.

- Mr. Dansie said the conditional use permit could specify approval was for this vehicle only and not a blanket for a whole fleet of recreational equipment.

Mr. S. Taylor asked about the noise levels a Polaris Slingshot produced.

- Ms. Benevento said the noise level of the vehicle was between a car and a Harley Davidson. The specific range of decibel levels could be researched.

Public questions: Kristen Benson asked what projected daily visitation figures meant.

- Mr. Dansie said this question was asked on the conditional use permit form. This information was designed to give the Planning Commission an idea of the amount of attraction. The figure was provided by the applicant.

Betina Lindsey asked how codes were enforced and what would prevent other motorized vehicle rentals. She said the Town did not consistently enforce codes so she was not in favor of this request.

- Mr. Dansie said rentals of motorized vehicles required a conditional use permit review and approval by the Planning Commission and Town Council. He recommended the Commission make a specific finding to determine whether or not this type of rental fit the Town's intention of allowing rental of motorized recreational equipment.

Mr. R. Taylor asked about the definition of recreational vehicle and the specific requirements set out for these types of vehicles.

- Mr. Dansie quoted from code section 10-2-2 which defined recreational equipment motorized as "an instrument, device, vehicle, or other implement used primarily for recreation that is propelled or powered by an engine or motor, including electric, personal assistive mobility devices as defined by state statute".

Mr. Burns said the vehicle did not meet automotive safety standards and questioned how it was street-legal.

- Mr. Dansie said it did not meet the same safety standards as a car just like a motorcycle did not meet the same standards, yet it was street-legal.
- Ms. Benevento stated Utah classified the vehicle as an autocycle and the state did not require a motorcycle license in order to operate one.

Mr. Dockstader said the vehicle had an eco-tech four cylinder engine with no custom exhaust. From his experience V8 and diesel motors were louder. This vehicle was not allowed to go off-road. Its main use was to experience the scenery in an open-air vehicle.

- Mr. Dockstader said the vehicle would be stored in a garage in Rockville during the night when it was not rented. The public could rent the vehicle hourly or for a twenty-four (24) hour period.

Mr. Burns encouraged the applicant to have a discussion with the Zion National Park chief ranger. Due to traffic congestion in the Park there was a high level of scrutiny of anything considered a 'new' use. Mr. Burns recommended the applicant not assume it would be legal to drive through the Park.

- Mr. Dockstader said they looked at this before purchasing the vehicle. They also did research about the laws of state highways.

Mr. Staker asked if the conditional use permit was for only one vehicle.

- Mr. Dockstader said if the vehicle rented well they would want to grow the business. They were only applying for one today.
- Mr. Dansie suggested the Commission may want to put some limitation on the use to minimize impacts.

Mr. R. Taylor asked if there was a standard for how many parking spaces were needed when renting vehicles.

- Mr. Dansie said there was no specific requirement for parking specifications for rental vehicles. Code section 10-23-5 gave them the ability to come up with the best parking standard for the use.

Public questions: Betina Lindsay asked about the recently passed ordinance in Rockville prohibiting ATVs on roads.

- Mr. Dansie said Utah state law allowed communities to designate ATV routes within their communities. He was not familiar with the ordinance passed in Rockville.
- Mr. Dockstader said the Polaris Slingshot was not an all-terrain vehicle (ATV). Off-road use would void the rental agreement.

Kristin Benson said if the vehicle was rented to someone staying at the lodging facility it would be parked there overnight and not stored in Rockville. This vehicle did not handle the same as a car or motorcycle therefore Ms. Benson expressed concern SR-9 would be used as a training ground.

- Mr. Dockstader said the vehicle was easy to drive and had a traction control system. A person must be able to operate a manual transmission to rent it.

Carol Benson asked if the vehicle had a button which turned off stability control.

- Mr. Dockstader said 'yes' but it would be deactivated.

Joe Pitti asked about indirect rentals on the property in relation to a van advertising helicopter flights.

- Mr. Dockstader replied this application had nothing to do with that.

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

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Public comment: Joe Pitti said he appreciated what the Dockstader's brought to Town but was disappointed with this specific proposal. He quoted General Plan standard B which proposed use should not interfere with the lawful use of surrounding properties. He felt this vehicle would impact surrounding properties by adding noise, traffic and increased activity. Mr. Pitti referenced guiding principles from the General Plan which encouraged development of a community where walking, biking and shuttle service were the preferred modes of transportation not more motorized vehicles. The goal was to encourage more pedestrian travel to reduce parking congestion, noise, and pollution, and promote the village atmosphere. Mr. Pitti said he hated to see a van advertising helicopter tours when the Town had strong opposition to these tours. This project came before the Commission when Mr. Pitti was a member. He said he would not have supported a motorized rental facility and cautioned that elevating this proposal to more vehicles was problematic. He encouraged the Commission to consider the impact and deny the conditional use. The audience applauded his comments.

Mr. Dockstader responded he grew up in the canyon and respected the Town. He did not want this use to detract from that. Mr. Dockstader invited everyone to come and experience it.

Betina Lindsay said the Town had a history of closing the barn door after the cow got out. She recommended the Commissioners be wise to what they were opening up the community to.

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

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Commission deliberation: The Commission reviewed the motorized vehicle definition and determined it was an approved vehicle.

Mr. R. Taylor asked what weight the General Plan had in the discussion.

- Mr. Dansie said the General Plan was advisory and influenced legislative decisions. A conditional use permit was an administrative decision. If it met the standards the permit was granted. He said it would be inappropriate to use the General Plan to trump the ordinance. The General Plan could be used as background to how standards were interpreted.

Mr. Burns did not understand having an ordinance that was not consistent with the General Plan.

- Mr. Dansie said the General Plan was the long-range, guiding document and the ordinance was rules on the ground. If an ordinance did not help the Town achieve the goals of the General Plan the Commission should consider changes to that ordinance.
- Mr. Burns asked what was off the table if something met the definition of recreational equipment. He expressed concern about additional impacts if the Town was not true to the General Plan and the desires of the residents.
- Ms. West said when the Commission talked about a more walkable community they could consider adjustments to the ordinance.

Mr. Marriott had a chance to ride and drive the vehicle first hand. It drove like a car and was not that loud. Mr. Marriott said it seemed to comply with the standards. The storage and parking was a legitimate issue.

Mr. S. Taylor felt it took the Town in the wrong direction. It would cause stress and disruption to the neighbors lives. He thought the application should be denied.

Mr. Staker did not see a lot of difference between this vehicle and a motorcycle. It was not adding more congestion or noise. He did not see a problem.

Mr. R. Taylor wanted to limit the permit to one vehicle. If the applicant came back and requested more there would be experience from which to base a decision.

Ms. West felt there were issues with traffic and congestion but the permit could not be denied if standards of the ordinance were met.

- Mr. S. Taylor disagreed. He said if the use unreasonably detracted from the lives of adjacent property owners it could be denied.
- Ms. West said conditions in the motion could mitigate noise and nuisances to the neighbors. The burden would be put on the applicants' staff to manage.

Motion made by Scott Taylor to recommend to the Town Council denial of the conditional use permit due to excessive noise and disruption of the lives of the neighbors.

There was no second.

Motion died.

Motion made by Liz West that the Planning Commission recommends approval of the conditional use permit for the rental of motorized recreational equipment at 1101 Zion Park Boulevard based on findings: 1) it meets the requirements of Chapter 10-11B the Village Commercial Zone and Chapter 10-3A the Conditional Uses; 2) that the general standards are met. The proposed use shall comply with all applicable land use standards contained in this title. The proposed use shall not unreasonably interfere with the lawful use of surrounding properties. The proposed use shall not create a need for essential municipal services which cannot be reasonably met within three (3) months and the party seeking the conditional use is willing and able to contribute to the cost of said services. The proposed use shall not emit excessive noise, or noxious odors, and shall not otherwise adversely impact the quality of air or water. If located immediately adjacent to a residential zone, the proposed use shall provide a screening fence or wall at least six feet (6') in height along the common boundary between the proposed use and the residential zone. If the proposed use is projected to generate more than ten (10) vehicular trips per day, the use must be located on a dedicated public street. With conditions: 1) the rental of motorized recreational vehicles will comply with the general standards for conditional use permits and that specific standards for motorized recreational equipment meets Town Code 10-3A-5(E)(12); 2) rental of motorized recreational equipment will not create unreasonable impacts on surrounding properties; 3) no modified exhaust will be added; 4) no revving at any time on the property will be allowed and staff at Slingshot Zion will monitor and require guest renters not rev the motor; 5) there will be only one vehicle and it will be a Polaris slingshot; 6) if the vehicle is parked on the hotel property the permit must be placed in the window to show they are a guest staying there; 7) it will require one parking stall on the property; 8) it will be stored in a garage in Rockville when not in use; seconded by Mike Marriott.

Staker: Aye

R. Taylor: Aye

West: Aye
S. Taylor: No
Marriott: Aye
Motion passed.

Sign Permit Application: Canyonland Village, 1101 Zion Park Boulevard – Breck Dockstader: Mr. Dansie said this was an application for a master sign program. There were four proposed signs – one (1) freestanding and three (3) building mounted signs. For a business center, code allowed one 40 square foot sized sign. The other signs would be 20 square feet. The application contained rough dimensions but not scaled dimensions therefore Mr. Dansie recommended verification was done upon installation. There were no details provided regarding the fixtures or the lights being used. As presented the building mounted signs were being attached with chains however code required signs be permanently attached to the building.

- Mr. Dockstader said they were willing to be flexible and use rods to attach the signs. He also volunteered to put dimmer lights in the light boxes.

Ms. Benevento confirmed the colors were compliant with the approved color palette.

- Mr. Dockstader said there would be native sandstone on the pillars of the freestanding sign.

Mr. Burns asked if there were time restrictions for when signs could be illuminated.

- Mr. Dansie said there were light curfews in the code for certain types of lighting but not for signage.

The Commissioners discussed the size of the signs and whether having scaled drawings would affect approval. They concluded a recommendation for approval could move forward but if signs were installed larger than allowed they would need to come down. The applicant understood.

The applicant was using the existing recessed lighting for the building mounted signs. The fixtures could not be seen from SR-9 or adjacent properties. The sign on SR-9 would have a light box with dimmer bulbs. He indicated there would not be any additional lighting fixtures.

Mr. Dockstader said there would not be a front desk person. The lodging units had a keypad system.

Mr. Burns said lighting was incredibly important and he commended Mr. Dockstader on the bollard lighting. They were an excellent example of good lighting practices. Mr. Burns appreciated the applicant's willingness to make adjustments to the lighting for the sake of the neighbors and the night sky.

Motion made by Scott Taylor in accordance with Town Code Chapters 10-24, 10-15C, 10-16, 10-17 the Planning Commission approves the master sign program application for Canyonland Village at 1101 Zion Park Boulevard. The motion is based on the following findings: 1) All sign measurements, height and area are executed exactly as proposed and staff will review installed signs for compliance; 2) all lights fixtures for external lighting for signs are reviewed by staff prior to installation; 3) and a reasonable solution to building mounted signs being permanently attached according to section 10-24-4(7)(B)(3) is agreed upon and reviewed by staff prior to installation; seconded by Liz West..

Staker: Aye
R. Taylor: Aye
West: Aye
S. Taylor: Aye
Marriott: Aye
Motion passed unanimously.

The Planning Commission took a five minute break and continued the meeting at 7:15pm.

Sign Permit Application: The Pioneer Lodge, 838 Zion Park Boulevard – Ben Patel: Mr. Dansie said this was a request for a sign that was already installed. The applicant was unaware of the permit process. The old sign was externally illuminated; the new sign was a backlit halo resulting in a low level of light that only lit around the outline.

Mr. Dansie noted the building mounted sign had been taken down and was no longer being proposed. The two free-standing signs on the property were operating as a non-conforming use. This sign change would necessitate that one of the free-standing signs be removed.

- Per code section 10-21-1, a legally non-complying sign shall immediately lose its non-complying status if one of five specific scenarios happened; one of which was if a sign was replaced or changed to reflect a new or different advertiser.
- Loss of non-complying status was also triggered if repair or maintenance cost more than 50% of its appraised value. To make this determination however the Town would need to do some additional research.
- There were two free-standing signs when there should only be one. The restaurant could have a sign but it needed to be a building mounted sign if the free-standing sign for the lodge remained. Only one free-standing sign was allowed per property.

The Commissioners discussed whether the sign was more like an internally illuminated sign or a backlit sign.

- Mr. Patel explained it was an internally illuminated sign. The LED lights were affixed to a backboard and light reflected off the rock. The light source was not visible.
- Mr. Marriott said it did not fit the classic sense of an internally illuminated sign. If the light was in the sign it should be considered an internally illuminated sign whether the face was opaque or not.
- The Commission determined it was an internally illuminated sign because details of the wagon and animals could be seen; it was not entirely black.

Mr. Patel apologized for not coming to the Town first. He was unaware of the ordinance.

Code section 10-21-12(A)(2) indicated the legal non-complying status was lost if one of the five criteria where met. The Planning Commission determined changes were made according to letter a) and c) of the ordinance therefore the second free-standing sign would have to be removed.

Motion made by Liz West that the Planning Commission approve the sign permit revision for the Pioneer Lodge, 838 Zion Park Boulevard as the Commission finds it meets requirements of chapters 10-24, 10-15C, 10-16, 10-17 and 10-21. With findings: the building mounted sign has been taken down and was not on the application anymore; the applicant must determine which freestanding sign shall be removed according to 10-21-12; the plastic logo on the freestanding sign will be kept because it is an internally illuminated sign; seconded by Scott Taylor.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Design/Development Review: Lot 39 Canyon Springs, Toulouse Residence – Shawna Sprague:

Mr. Dansie said information about the project came in late and staff determined there were compliance issues with the proposed drawing. Therefore staff recommended the item be tabled until they could work with the applicant.

Motion made by Mike Marriott to table this proposal; seconded by Randy Taylor.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Consent agenda

Mr. R. Taylor noticed a correction to the year on page 2. It should be 2016 not 2106.

Motion made by Randy Taylor to approve the consent agenda the minutes of September 6th with the change noted on the date; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

Marriott: Aye

Motion passed unanimously.

Adjourn

Motion to adjourn at 7:52pm made by Liz West; seconded by Scott Taylor.

Staker: Aye

R. Taylor: Aye

West: Aye

S. Taylor: Aye

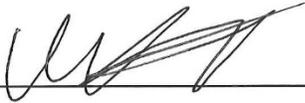
Marriott: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL: _____



DATE: _____

10-18-16



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please sign

Meeting of Planning Commission on 9/20/16

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Rick McAnally
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BRITTANY HUFF
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Lila Morz
name

Kristen Benson
name

Rosalind Ruth
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VEU PATEL
name

Joe Pitti
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BRECK DOCKSTADER
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Brian Kroll
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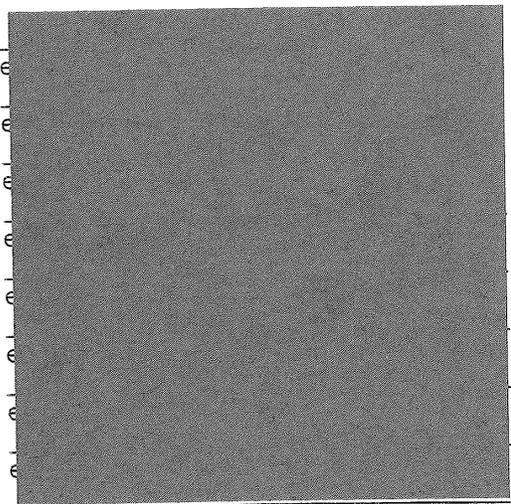
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