

1. January 15, 2020 Planning Commission Agenda

Documents:

[011520.PCA.COURTESY.PDF](#)

2. January 15, 2020 Packet Materials

Documents:

[ITEM A1 - PLAT AMENDMENT FOR S-BIT-1 AND S-BIT-2.PDF](#)
[ITEM A2 - CUP MODIFICATION FOR 445 ZION PARK
BLVD_REDACTED.REV.PDF](#)



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

PLANNING COMMISSION NOTICE AND AGENDA
THE SPRINGDALE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
ON WEDNESDAY, JANUARY 15, 2020
AT THE CANYON COMMUNITY CENTER 126 LION BOULEVARD, SPRINGDALE, UTAH.
THE MEETING WILL BEGIN AT 5:00 PM.

Attending Clerk: Darci Carlson

Pledge of Allegiance

Approval of the agenda

Commission discussion and announcements

A. Action Items

1. Public Hearing – Amended Subdivision Plat: Review of proposed plat amendment application to combine parcels S-BIT-1 and S-BIT-2 into one single parcel in the Bit and Spur Subdivision - Ryan Lee
2. Public Hearing – Conditional Use Permit Modification: Request to modify the conditions of approval of the conditional use permit for a public parking area at 445 Zion Park Boulevard by changing the point of access from SR-9 into the parking area - Travis Barney
3. Nomination and recommendation for the 2020 Planning Commission Chair and Vice Chair

B. Consent Agenda

1. Minutes: December 4th and January 7th

C. Adjourn

This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested party to receive this notice does not constitute a violation of the Town's noticing requirements or policies. If you have questions regarding any of the agenda items, or other community development comments, please contact the Community Development staff at 435-772-3434 or tdansie@springdaletown.com.

The Town of Springdale complies with the Americans with Disabilities Act by providing accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for Town sponsored public meetings, services, programs, or events should call Springdale Town Clerk Darci Carlson (435.772.3434) at least 24 hours before the meeting.

Packet materials for agenda items will be available by 5pm on January 10th: <http://www.springdaletown.com/AgendaCenter/Planning-Commission-7>



Memorandum

To: Planning Commission
From: Sophie Frankenburg, Associate Planner
Date: January 10, 2019
Re: **January 15, Planning Commission Meeting**
Plat Amendment Application- S-BIT-1 and S-BIT-2: Ryan Lee

Overview

Ryan Lee has requested an amendment of the Bit and Spur Subdivision Plat. The proposed amendment would combine lots 1 and 2 into one single lot, S-BIT-1-A, as referenced on the proposed amended plat, and remove the existing access easement. No other changes were made to this plat. The key issues to consider in this application are its effects on lot size, landscape requirements, and required setbacks.

Applicable Ordinances

The Council should review the following code chapters or sections:

1. Chapter 10-14: Subdivisions (particularly 10-14-13)

Staff Analysis

The only proposed change with the amended plat is to the sideyard property boundary splitting S-BIT-1 and S-BIT-2. This property boundary will be removed to combine the lots into a single 1.71 acre lot. Because no new lot lines will be created with the amendment, the main issues for the Commission to consider are lot size, landscaping, and setbacks from existing structures.

Plat Amendment in Village Commercial

Standard	Requirement	Proposal	Comments
<i>Lot Area</i>	The minimum lot size is 0.5 acres.	The final combined lot will be 1.71 acres.	S-BIT-1 is .85 acres, S-BIT-2 is .86 acres. Since no new lot lines are being created, the total acreage is 1.71. In compliance
<i>Lot width and frontage</i>	Average width of 100 feet, with a minimum of 50 feet. Minimum frontage of 50 feet.	Minimum width is 146 feet. Maximum width 350 feet. Frontage about 350.	In compliance.
<i>Setbacks</i>	Front setbacks must be 30 feet, side setbacks 10 feet adjacent to VC, side yard adjacent to FR 20 feet, and rear setbacks 20 feet.	As analyzed in recent DDR proposals, all structures (existing and approved) comply with setback requirements. Removing the lot line between S-BIT-1 and S-BIT-2 will not impact	Any new structures on the southern boundary must have a side setback of 20 feet. In compliance.

		current setback compliance.	
<i>Landscaping</i>	Must retain 60% of the lot as natural open space or landscape.	Both properties contain 60% landscaping and/or open space.	Combined property will be in compliance.

Staff Recommendation

Staff recommends the Commission make specific findings regarding the proposed development as follows:

1. Does the proposed plat amendment, combining lots S-BIT-1 and S-BIT-2, meet the standards for the VC zone?

Should the Commission recommend approval, staff recommends the following condition:

- 1- Amended plat must be recorded with the Washington County Recorder’s Office prior to a building permit application.

Sample Motion Language

The Planning Commission recommends **APPROVAL / DENIAL** of the plat amendment combining lots S-BIT-1 and S-BIT-2 into a single lot, S-BIT-1-A, as referenced on the proposed amended plat, to the Town Council. The motion is based on the following findings:

List Findings

RECEIVED

COPY

DEC 04 2019



TOWN OF SPRINGDALE
By JG #013 \$450

TOWN OF SPRINGDALE

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

SUBDIVISION PLAT AMENDMENT APPLICATION

FOR OFFICIAL USE ONLY	File # _____
Brief Description of Project: _____	
Application Date: _____ Completed File Date: _____ Review Date: _____	
Notes: _____	
Authorization: _____ Revised 12/06	

Application is hereby made to the Town of Springdale, Utah for a subdivision plat amendment pursuant to Section 10-14-13 of the Springdale Town Code for the following:

APPLICANT INFORMATION:

Name RYAN LEE

Street Address 1855 S. 70 W. LINCOLN, UT 84042

Mailing Address SAME AS

Email Address RYAN.LEE@BLUERAVENSOLAR.COM

Phones (Home) _____ (Cell) 801-318-0336 (Fax) _____ (Business) _____

SUBDIVISION INFORMATION

Subdivision Name BIT AND SPUR SUBDIVISION

Zone VILLAGE COMMERCIAL

SUBMITTAL REQUIREMENTS

The following information must be submitted with this application:

1. Complete amended Final Plat, in compliance with the requirements of section 10-14-8(A) and (C).
2. Name and address of all owners of record of the land contained in the entire plat.
3. Name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended.
4. The signatures of each owner (from #2 and #3 above) that consents to the plat amendment.

APPLICATION FEE

The applicant must pay the appropriate before this application will be found complete.

Fee = \$400 plus \$25 per lot affected by the amendment.

Number of lots this application affects 2

Fee for this application \$450

*Note: The applicant will also be charged engineering review and legal review fees incurred by the Town during the review of the plat amendment.

APPLICANT CERTIFICATION

I certify that the information contained in this application is true and correct.

Printed Name: Ryan CBF

Signature: *Ryan CBF*

Date: 12/9/19

AMENDMENT NOTE:
 THE PURPOSE OF THIS AMENDMENT IS TO COMBINE LOTS 1 & 2 AND REMOVE THE EXISTING ACCESS EASEMENT. NO OTHER CHANGES WERE MADE WITH THIS PLAT.

OWNER'S DEDICATION:
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE HEREDON DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, AND PUBLIC EASEMENTS TO BE HEREAFTER KNOWN AS:

BIT AND SPUR SUBDIVISION - AMENDED
 FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNER(S) DO(ES) HEREBY DEDICATE AND CONVEY TO THE TOWN OF SPRINGDALE FOR PERPETUAL USE OF THE PUBLIC, ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC UTILITY EASEMENTS (P.U.E.). ALL LOTS, AND PUBLIC UTILITY EASEMENTS ARE AS NOTED OR SHOWN. THE OWNER(S) DO(ES) HEREBY WARRANT TO THE TOWN OF SPRINGDALE, ITS SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

CODA HOLDINGS LLC, WEST RIM HOLDINGS LLC,
 A UTAH LIMITED LIABILITY COMPANY A UTAH LIMITED LIABILITY COMPANY

MANAGER - _____ MANAGER - _____

ACKNOWLEDGMENT:
 STATE OF UTAH } S.S.
 COUNTY OF WASHINGTON

ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED SHE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH
 (STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

ACKNOWLEDGMENT:
 STATE OF UTAH } S.S.
 COUNTY OF WASHINGTON

ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED SHE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH
 (STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

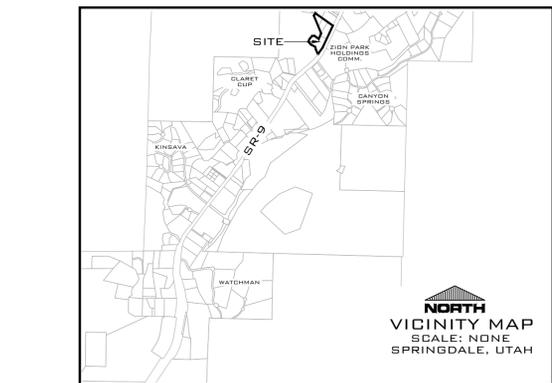
MORTGAGE CONSENT TO RECORD:
 CACHE VALLEY BANK, A MORTGAGEE OF THE SAID TRACT OF LAND DOES HEREBY GIVE CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

VICE PRESIDENT _____

ACKNOWLEDGMENT:
 STATE OF UTAH } S.S.
 COUNTY OF WASHINGTON

ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED SHE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH
 (STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)



SURVEYOR'S CERTIFICATE:

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938716, HOLD A LICENSE IN ACCORDANCE WITH TITLE 98, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREDON OWNER(S), I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO LOTS TO BE HEREAFTER KNOWN AS:

BIT AND SPUR SUBDIVISION - AMENDED
 THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND POINTS ESTABLISHED ON THE GROUND IN ACCORDANCE WITH THE HEREDON LEGAL DESCRIPTION.



DATE: _____
 BRANDON E. ANDERSON CERTIFICATE NO. 4938716

LEGAL DESCRIPTION:

BEGINNING AT A POINT WHICH LIES SOUTH 0°24'00" WEST 406.86 FEET ALONG THE CENTER SECTION LINE AND EAST 735.59 FEET FROM THE NORTH QUARTER CORNER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 56°00'00" EAST 444.83 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY OF HIGHWAY SR-93; THENCE SOUTH 24°16'00" WEST 501.85 FEET ALONG SAID RIGHT OF WAY THENCE SOUTH 35°02'48" WEST 160.31 FEET ALONG SAID RIGHT OF WAY THENCE NORTH 25°58'48" WEST 99.66 FEET; THENCE NORTH 16°41'05" WEST 60.98 FEET; THENCE NORTH 61°55'29" WEST 96.44 FEET; THENCE NORTH 46°01'34" WEST 81.01 FEET; THENCE NORTH 24°01'27" EAST 61.59 FEET; THENCE NORTH 39°05'01" EAST 81.88 FEET; THENCE NORTH 82°13'12" EAST 46.03 FEET; THENCE SOUTH 54°42'57" EAST 112.62 FEET; THENCE NORTH 22°30'00" EAST 124.66 FEET; THENCE NORTH 23°20'00" WEST 397.98 FEET; THENCE NORTH 32°45'50" EAST 55.02 FEET TO THE POINT OF BEGINNING.

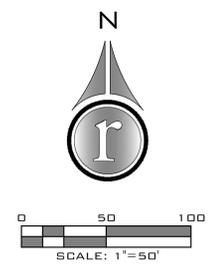
CONTAINS 3.903 ACRES
MORTGAGE CONSENT TO RECORD:
 AMERICAN FIRST CREDIT UNION, A MORTGAGEE OF THE SAID TRACT OF LAND DOES HEREBY GIVE CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

VICE PRESIDENT _____

ACKNOWLEDGMENT:
 STATE OF UTAH } S.S.
 COUNTY OF WASHINGTON

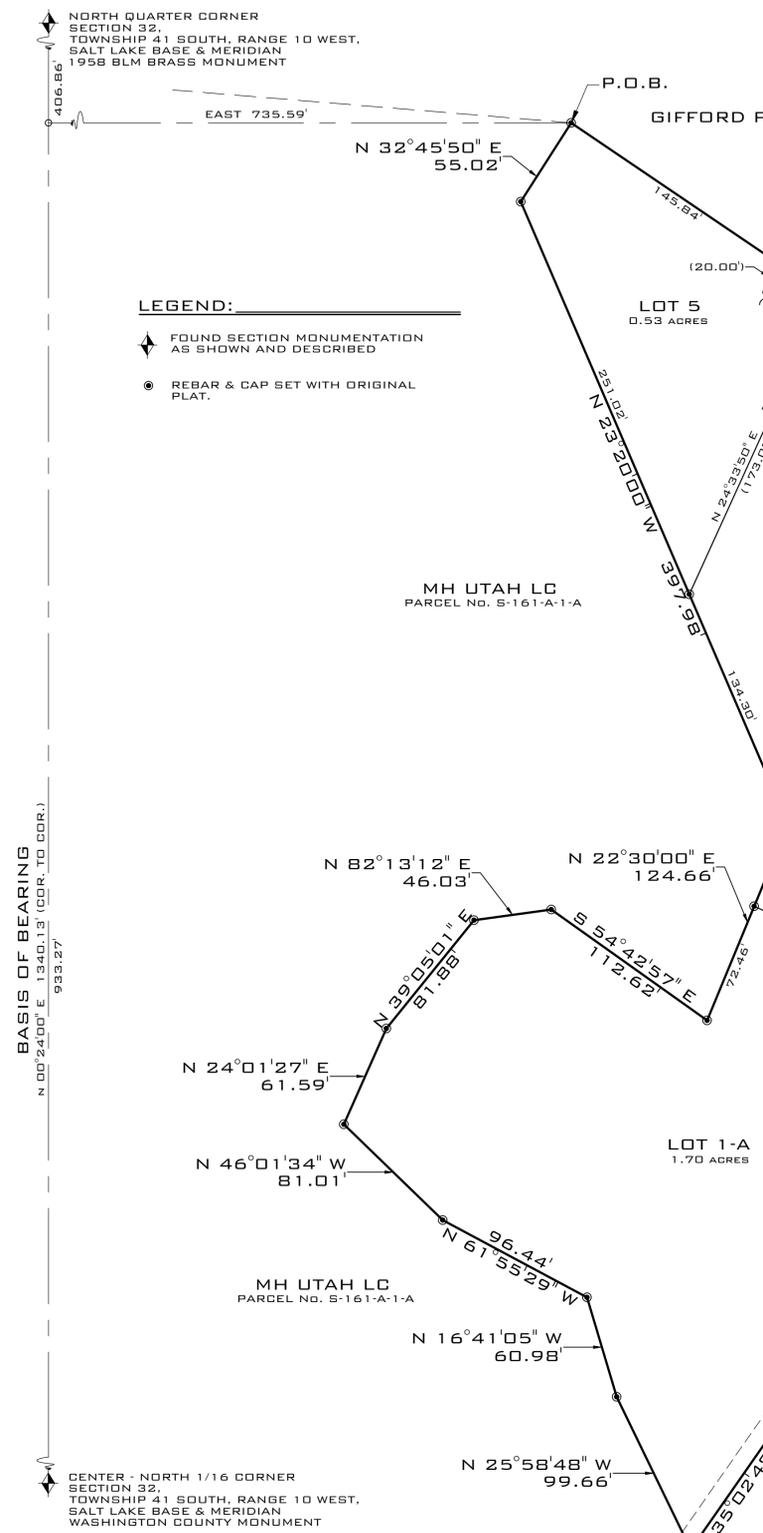
ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED SHE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH
 (STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)



THE FINAL PLAT FOR
BIT AND SPUR
SUBDIVISION
 A COMMERCIAL SUBDIVISION
 - A M E N D E D -

LOCATED IN THE NORTHEAST QUARTER OF SECTION 32
 TOWNSHIP 41 SOUTH, RANGE 10 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOWN OF SPRINGDALE, WASHINGTON COUNTY, UTAH



LEGEND:
 FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
 REBAR & CAP SET WITH ORIGINAL PLAT.

BASIS OF BEARING
 N 00°24'00" E 1340.13' (COR. TO COR.)
 933.27'

CENTER - NORTH 1/16 CORNER SECTION 32, TOWNSHIP 41 SOUTH, RANGE 10 WEST, SALT LAKE BASE & MERIDIAN WASHINGTON COUNTY MONUMENT



SURVEY/FPLAT-AMD FILE NUMBER:	11/21/2019 DATE:	B.E.A. DRAWN:
10953-18 JOB NUMBER:	1"=30' SCALE:	B.E.A. CHECKED:

ENGINEER'S APPROVAL:
 THE HEREDON SUBDIVISION HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE, THIS _____ DAY OF _____, 20____.

ENGINEER
 TOWN OF SPRINGDALE, UTAH

APPROVAL OF THE PLANNING COMMISSION:
 ON THIS THE _____ DAY OF _____, A.D. 20____ THE PLANNING COMMISSION OF THE TOWN OF SPRINGDALE, UTAH HAVING REVIEWED THE ABOVE SUBDIVISION PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE TOWN'S ORDINANCES, AND BY AUTHORIZATION OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE TOWN OF SPRINGDALE, UTAH.

CHAIRMAN OF THE PLANNING COMMISSION
 TOWN OF SPRINGDALE, UTAH

APPROVAL AND ACCEPTANCE BY THE TOWN OF SPRINGDALE, UTAH:
 WE THE MAYOR AND CITY COUNCIL OF THE TOWN OF SPRINGDALE, UTAH HAVE REVIEWED THE ABOVE SUBDIVISION PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL RECORDED IN THE MINUTES OF ITS MEETING OF THE _____ DAY OF _____, A.D. 20____, HEREBY ACCEPT SAID SUBDIVISION WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO.

MAYOR
 TOWN OF SPRINGDALE, UTAH

ATTEST: CITY RECORDER

APPROVAL AS TO FORM:
 APPROVED AS TO FORM, THIS _____ DAY OF _____, A.D. 20____.

CITY ATTORNEY
 TOWN OF SPRINGDALE, UTAH

TREASURER APPROVAL:
 I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____, A.D. 20____ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION PLAT HAVE BEEN PAID IN FULL.

WASHINGTON COUNTY
 TREASURER

RECORDED NO.: _____

FEE _____

COUNTY RECORDER
 WASHINGTON COUNTY, UTAH

Existing Plat





Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: January 10, 2020
Re: **January 15, 2020 Planning Commission Meeting**
Conditional Use Permit Modification: Request to Revise Conditions of Approval Parking Lot – Parcel S-105 (S-103-G), 445 Zion Park Blvd, Travis Barney

Overview

In 2017 the Town approved a conditional use permit to operate a public parking facility on parcel S-103-G (now parcel S-105), located adjacent to the rear of the Whiptail Grill. The parcel is zoned Valley Residential (VR). Until early 2017, public parking areas were allowed as a conditional use in the Valley Residential zone. The Town has since amended the code and removed public parking as a conditional use in the VR zone.

The general standards for conditional use permits require uses which generate more than 10 vehicular trips per day to be “located on a dedicated public street.” (See 10-3A-4(F)) To ensure compliance with this standard, the Council imposed a condition on the permit that required the VR zone parcel S-103-G to be combined with the Whiptail Grill parcel (S-104-A) which is adjacent to SR9. This lot combination allowed the Council to determine affirmatively that the public parking area was “located on a dedicated public street.”

Travis Barney, owner of the public parking area, is now requesting a modification of this condition of the permit. Mr. Barney is requesting that the public parking area parcel be combined with the Zion Canyon Campground parcel (S-95) instead of the Whiptail Grill parcel (S-104-A). Access to the public parking area would then come off SR9 and through the campground. Access to the parking would no longer come off SR9 and through the Whiptail Grill parcel.

Mr. Barney intends to transfer ownership of the public parking facility to Stewart Ferber, owner of the Zion Canyon Campground. This transfer will not be possible unless the condition of the permit is modified to allow the public parking area parcel to be combined with the campground parcel instead of the Whiptail Grill parcel. This will also allow access to the parking area to come through the campground, and not the Whiptail grill.

Even though the Town no longer allows public parking as a conditional use in the VR zone, the conditional use permit standards in place at the time the permit was issued, as well as the conditions of permit, are still binding on the public parking use. The Town should review the requested modification in terms of compliance with the standards in place when the permit was issued, as well as the conditions attached to the permit.

The sole question for the Town to consider is:

Will the public parking area continue to meet all the standards for public parking area conditional use permits in the VR zone if the public parking area is combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel?

The following additional information is important background to frame the Town's analysis of the requested modification:

- The public parking parcel (S-103-G) was combined with the Whiptail Grill parcel (S-104-A) in January of 2017, in fulfillment of the condition of the permit. Staff confirmed this lot combination with the County Recorder in January 2017. Recorder's notes on the Whiptail Grill parcel indicate the combination was complete in January 2017. However, after the lot combination was completed, Mr. Barney and Wayne Hamilton (who owns adjacent property not involved with the conditional use permit) filed a Record of Survey to clarify the location of the lot line between their respective properties. Although the purpose of the record of survey was to clarify the lot line between Mr. Barney and Mr. Hamilton's property, it had the secondary and unintended effect of uncombining the public parking parcel from the Whiptail Grill parcel. When the Record of Survey was recorded, the County Recorder uncombined the public parking parcel from the Whiptail Grill Parcel. The Recorder also gave the public parking parcel a new parcel number (S-105).
- The public parking parcel is separated from the Zion Canyon Campground physically by a large wash. It is not currently possible to access the public parking parcel from the campground parcel in a vehicle. Mr. Ferber has applied and been given approval to install a box culvert in the wash. Once this work is complete it will be possible to have vehicular access from the campground to the public parking parcel on top of the box culvert.
- There is a commercially zoned parcel (S-103-B-1) in between the public parking parcel and the campground parcel. Access to the public parking parcel would need to cross this intervening parcel. Mr. Ferber owns this intervening parcel. This parcel (S-103-B-1) would need to be combined with the campground parcel (S-95) in order for the public parking parcel (S-105) to also be combined with the campground parcel.
- According to the Record of Survey discussed above, there is a deed gap between the public parking parcel and the Whiptail Grill parcel, as well as between the public parking parcel and the intervening commercially zoned property (S-103-B-1) adjacent to the campground. The deed gaps need to be rectified in order for the public parking parcel to be combined with either the Whiptail Grill parcel or the campground parcel.
- Because the box culvert in the wash is not currently installed, and therefore access from the campground is not currently possible, Mr. Barney would like to continue to operate the paid parking business on the public parking parcel. Mr. Barney is requesting the Town modify the condition on the permit to allow the public parking parcel to be combined with the campground parcel, but also allow him to continue to operate the paid parking business until there is vehicular access to the parking area from the campground.
- Staff understands Mr. Ferber does not intend to operate a paid parking business on the public parking area. Rather, he intends to use the public parking area to support the commercial businesses on the campground parcel.

An aerial image and map showing some of the information above is attached to this report.

Applicable Ordinances

The Council should review the following code chapters or sections:

1. Chapter 10-11B: Village Commercial Zone
2. Chapter 10-3A: Conditional Uses
3. Conditional Use Permit

Staff Analysis

The Town Code contains general and specific standards to evaluate all conditional use permit requests. If the proposal complies, or can be made to comply through the imposition of reasonable conditions, to the establish standards the town must approve the conditional use permit. If the request cannot comply with established standards the town should deny the conditional use permit.

The Town analyzed the proposed parking area for compliance with these standards at the time the permit was issued (2017). At that time the Town found the use met all the standards, subject to the conditions of the permit, and issued the permit.

The Town does not need to reanalyze the public parking use for compliance with all the conditional use permit standards. That analysis has already been done. The Town only needs to analyze how the requested modification (combining the public parking with the Zion Canyon Campground instead of the Whiptail Grill) will impact compliance with the standards.

General Standards

There are six general standards with which all conditional permit requests must comply (see section 10-3A-4). They are analyzed below.

A. The proposed use shall comply with all applicable land use standards contained in this title.

When reviewing the original conditional use permit for the public parking area, the Town analyzed compliance with land use standards. The Town found the parking area would comply with all these standards. As constructed, the parking area continues to comply with these standards.

The Town should consider whether combining the public parking parcel with the campground parcel, instead of the Whiptail Grill parcel, will impact compliance with these standards.

Since both the campground parcel and public parking parcel currently comply with all applicable land use standards, staff finds that this conditional use standard will continue to be met if the public parking parcel is combined with the campground parcel.

B. The proposed use shall not unreasonably interfere with the lawful use of surrounding properties.

The public parking area has been in operation for the past two years, without any documented interference with the lawful use of the surrounding properties. Changing the access point from the Whiptail Grill parcel to the Zion Canyon Campground parcel is unlikely to have any negative impact on surrounding properties, with the exception of the Ferber-owned intervening parcel (S-103-B-1).

The proposed new access would traverse parcel S-103-B-1, thereby interfering with its lawful use. However, this property (S-103-B-1) is owned by Mr. Ferber, who will also own the public parking parcel. Mr. Ferber's plans are to use the public parking parcel in conjunction with the development on the campground parcel and intervening parcel (S-103-B-1). In this way the public parking use will complement, rather than interfere, with the lawful use of parcel S-103-B-1.

C. 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.

During review of the original conditional use permit the Town expressed concern about the public parking use's potential to create the need for additional public restrooms, which the Council found are

an essential municipal service. The permit contains a condition that requires Mr. Barney to make the restrooms available at the Whiptail Grill open and available to patrons of the public parking use.

If the public parking parcel is no longer combined with the Whiptail Grill it will not be practical to provide restroom facilities for parking patrons on the Whiptail Grill parcel. Should the Town wish to approve the conditional use permit modification, staff recommends a condition of approval that requires Mr. Ferber to make restroom facilities at the campground parcel available for people parking in the public parking area.

D. The proposed use shall not emit excessive noise, or noxious odors, and shall not otherwise adversely impact the quality of air or water.

The public parking parcel has been in operation for two years without documented incidents of excessive noise, noxious odors, or impacts on air or water quality. Changing the access point for the parking area will not affect compliance with this standard.

E. 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.

The Town required a screen fence to be installed around the public parking area. Staff recommends the Town require that fence to remain in place.

F. 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.

The parking area generates in excess of 10 vehicular trips per day on typical in-season days. Thus, it is required to be located on a dedicated public street. To ensure the parking area is located on a public street the Town required the public parking parcel to be combined with the Whiptail Grill parcel.

The requested permit modification is to allow the public parking area parcel to be combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel. The Town needs to determine if the public parking use would still “be located on a dedicated public street” if combined with the Zion Canyon Campground. This is the crux of the analysis for the Town.

In prior conditional use permit reviews, the Town has generally interpreted this standard of being “located on a dedicated public street” to require the property containing the use to have frontage on a dedicated public street. Under this interpretation, combining the public parking area with the campground parcel (as well as the intervening parcel S-103-B-1) rather than the Whiptail Grill parcel will not impact compliance with this standard. The public parking area will continue to be located on a property with frontage on a dedicated public street.

However, in some instances the Town has expressed concern about conditional uses that, even if on a property with frontage on a dedicated public street, are located a long distance from a dedicated street (either as the crow flies, or via vehicular access). The public parking area is located 200 feet from SR9 as the crow flies, and 325 feet from SR9 via vehicular access through the campground parcel. Staff finds these distances are not out of line with the proximity to a dedicated street of other approved conditional use permits.

Specific Standards

At the time the conditional use permit for the public parking area was issued, there were four specific standards with which all public parking areas and facilities needed to comply. However, because public parking areas are no longer allowed as a conditional use in the VR zone, these standards are no longer in the code. Nevertheless, since conditional use permits run with the land, these standards are still in effect for the public parking area. They must continue to be met with the proposed modification of access point.

These standards are analyzed below.

A. Measures must be taken to screen the view of the parking areas from the view of surrounding property owners.

As discussed above, the public parking area has already been screened from view of surrounding property owners by fencing. Combining the public parking with the campground instead of the Whiptail Grill will not impact compliance with this standard.

B. Access to the parking area may be located no closer than seventy-five feet (75') from any existing main structure on adjacent property in the FR or VR zone.

Both the existing and proposed new accesses to the parking area is located in excess of seventy-five feet from any structure in a residential zone.

C. Parking lot lighting must be turned off after ten o'clock (10:00) PM

There is no lighting in the parking area. Combining the parking area with the campground instead of the Whiptail Grill will not impact the lighting standard.

D. Parking areas in the VR zone may contain no more than one hundred (100) spaces.

The public parking area contains 32 parking spaces. This number will not change when combined with the campground parcel instead of the Whiptail Grill Parcel.

Public Comment

Staff has heard concern from one resident about potential access into the parking area from Park Lane (located just north of the Whiptail Grill). The proposed modification will move the access to the parking area to the Zion Canyon Campground, further south from Park Lane than the existing access. Staff has not received any other public comment.

Findings

The Town should consider the following questions in making findings regarding the requested modification of the conditional use permit:

1. Will the public parking area continue to comply with the general standards for conditional use permits in and the specific standards for parking lot facilities in place in 2017 if combined with the Zion Canyon Campground parcel instead of the Whiptail Grill parcel?

Sample Motion

The Commission may wish to use the following sample language when making a motion on this item:

Sample Motion to Recommend Denial

The Commission finds the proposed modification of the conditional use permit for public parking at 445 Zion Park Boulevard is not consistent with the standards for conditional use permits, as they existed in 2017, for the following reasons:

[LIST SPECIFIC FINDINGS]

Based on these findings the Commission recommends denial of the requested conditional use permit modification.

Sample Motion to Recommend Approval

The Commission finds the proposed modification of the conditional use permit for public parking at 445 Zion Park Boulevard is consistent with the standards for conditional use permits, as they existed in 2017, for the following reasons:

[LIST SPECIFIC FINDINGS]

Based on these findings, the Commission recommends approval of the conditional use permit modification to allow the public parking area to be combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill Parcel. All conditions of the original conditional use permit issued in 2017 continue to apply to the use, except as specifically modified below:

- 1. Existing Condition #1 on the permit is modified to read as follows: The subject parcel must be combined with the ~~Whiptail Grill parcel (parcel S-104-A)~~ Zion Canyon Campground parcel (S-95) and the intervening parcel (S-103-B-1).*
- 2. Existing condition #2 on the permit is deleted. **Note, this condition currently reads as follows: The parking lot may only be operated on the parcel that is now zoned as Valley Residential (parcel S-103-G) and not on the parcel that is to be joined with the subject parcel, Whiptail Grill (parcel S-104-A)*
- 3. Existing condition #7 on the permit is modified to read as follows: The applicant is required to provide adequate public restroom facilities to parking facility patrons which will be provided through ~~the restaurant~~ businesses on the Zion canyon Campground parcel.*



Conditional Use Permit

This Conditional Use Permit is issued to:

Travis Barney

Name of Applicant/Owner

445 Zion Park Blvd

Address of Conditional Use Site

Springdale

City

UT

State

84767

Zip

This Conditional Use Permit was reviewed by the Planning Commission on February 15, 2017 and approved by the Town Council on March 8, 2017. The permit authorizes the following use: Public Parking Area in Valley Residential Zone

pursuant to chapter 10-3A and section 10-3A-5 (B)(5) of the Springdale Town Code.

The conditions listed below have been imposed by the Town Council to mitigate the reasonably anticipated detrimental effects of the proposed use. The use must conform to these conditions, as well as all applicable standards contained in chapter 10-3A of the Town Code (listed on back of this permit), or the permit is subject to suspension pursuant to section 10-3A-3 of the Town Code.

Conditions:

- General Conditional Use Permit Standards in section 10-3A-4 (listed on back)
- Specific Standards for Public Home Occupations in section 10-22-9(F) referenced by section 10-3A-5(B)(4) (listed on back)
- Conditions imposed by the Springdale Town Council:
 1. The subject property is located in the Valley Residential Zone.
 2. The proposed use falls within the common use and understanding of the term "public parking area and facility," which is a conditional use in the Valley Residential Zone.
 3. Based on 10-3(A), the proposed use will comply with all applicable land use standards contained in the Springdale Zoning Ordinance.
 4. Based on 10-3(B), the proposed use will not unreasonably interfere with the lawful use of surrounding properties.
 5. Based on 10-3(C), the proposed use will not create a need for essential municipal services.
 6. Based on 10-3(D), the proposed use will not emit excessive noises, or noxious odors, and shall not otherwise adversely impact the quality of air or water.
 7. Based on 10-3(B), the proposed use will not create loud noise that is sustained for more than one minute and is perceptible on a residentially zoned property between 11:00pm and 7:00am.
 8. Based on the specific standard A, the property will be screened with a fence that is at least eight feet (8') tall along the common boundary between the proposed use and surrounding property owners.
 9. Based on the specific standard F, the proposed use, upon compliance with the conditions of this permit, will be located on a dedicated public street.
 10. Based on specific standard B, access to the parking area is at least 75 feet from any existing main structure on adjacent property in the FR or VR zone.
 11. There will be no lighting. Hours of operation are daylight only.
 12. The parking area will have no more than 32 spaces. CONDITIONS CONTINUED ON BACK OF PERMIT

 3/20/17 Date
Director of Community Development

Applicant  Date 3/20/17

Attest:

Deputy Clerk

General Standards (see section 10-3A-4 of the Town Code):

- A. The proposed use shall comply with all applicable land use standards contained in this title.
- B. The proposed use shall not unreasonably interfere with the lawful use of surrounding properties.
- C. 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.
- D. The proposed use shall not emit excessive noise, or noxious odors, and shall not otherwise adversely impact the quality of air or water.
 - 1. If located either in or less than 100 feet from a residential zone, the proposed use shall not create loud noise that is sustained for more than one minute and is perceptible on a residentially zoned property after the hour of 11 PM or before the hour of 7 AM.
- E. If located immediately adjacent to a residential zone, the proposed use shall provide a screening fence or wall at least 6 feet in height along the common boundary between the proposed use and the residential zone.
- F. If the proposed use is projected to generate more than ten vehicular trips per day, the use must be located on a dedicated public street.

Specific Standards (Section 10-3A-5 (B)(5) of the Town Code):

- 5. Public Parking Areas And Facilities:
 - a. Measures must be taken to screen the view of the parking area from the view of surrounding property owners.
 - b. Access to the parking area may be located no closer than seventy five feet (75') from any existing main structure on adjacent property in the FR or VR zone.
 - c. Parking lot lighting must be turned off after ten o'clock (10:00) P.M.
 - d. Parking areas in the VR zone may contain no more than one hundred (100) spaces. (Ord. 2007-04, 7-11-2007)

I have read and understand the general and specific standards of the Conditional Use Permit. T.B.

initial

Suspension of a Conditional Use Permit (Section 10-3A-3 of the Town Code):

The Town Council may suspend a conditional use permit, following notice and a public hearing pursuant to section 10-3-1 of this title. A conditional use permit may be suspended if the town council finds one or more of the following:

- A. That the permit was obtained by misrepresentation or fraud;
- B. That the conditions imposed upon said use permit have not been met; or
- C. That the detrimental effects of the use are not substantially mitigated by the conditions and that no modification or substitution of said conditions will serve to substantially mitigate such detrimental effects.

If a conditional use permit is suspended, the conditional use may not be operated on the property for which the conditional use permit was issued until such time as all of the original conditions are reinstated in accordance with the original conditional use permit. Once all of the original conditions are reinstated, the owner of the property to which the suspended conditional use applies may apply to the planning commission and town council to lift the suspension by following the procedures outlined in section 10-3A-2.

Conditions Continued:

The motion is further based on the following conditions imposed on the use: 1. The subject parcel must be combined with the Whiptail Grill parcel (parcel S-104-A). 2. The parking lot may be operated only on the parcel that is now zoned as Valley Residential (parcel S-103-G) and not on the parcel that is to be joined with the subject parcel Whiptail Grill (parcel S-104-A). 3. The applicant must submit an application for review and approval for the Design/Development Review for any improvements to be made to the property. 4. Based on specific standard A, substantial and maintained year-round screening, landscaping, or fencing must be installed to mitigate the impact of the parking area on adjacent residential zoned property as approved during the Design/Development Review process. 5. An eight-foot (8') fence is required between all residential and commercially zoned properties but screening is not needed on the Whiptail Grill side of the property (parcel S-104-A). 6. The applicant must post a "No Idling" sign, a "No Occupied Overnight Parking" sign, and a sign that says the walking distance and time to the Park entrance. 7. The applicant is required to provide adequate public restroom facilities to parking facility patrons which will be provided through the restaurant business. 8. The applicant is required to pave all parking areas before operating the parking lot with a hard surface, either concrete or asphalt, to mitigate sound, dust and spillage. 9. Based on the traffic impact report, the cost of any additional infrastructure improvements identified by the Town engineer beyond what has already been identified as elements of the conditions to the permit at present, will be covered by the applicant.

RECEIVED

DEC 20 2019

TOWN OF SPRINGDALE
By REV #198 #400?



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

APPLICATION FOR CONDITIONAL USE

FOR OFFICIAL USE ONLY	File # _____
Brief Description of Project: _____	
Application Date: _____	Completed File Date: _____ Review Date: _____
Notes: _____	
Authorization: _____	Revised 02/05

Application is hereby made to the Planning Commission and Town Council of Springdale, Utah for a Conditional Use Permit pursuant to Chapter 10-3A of the Springdale Town Code for the following:

APPLICANT INFORMATION:

Name: Travis Barney

Street Address: _____

Mailing Address: _____

Email Address: whiptailgrill@yahoo.com

Phones (Home) _____ (Cell) 632-7950 (Fax) _____ (Business) _____

SITE INFORMATION

Project Address: 445 Zion Park Blvd.

Tax Code Number: _____ Zone: Valley Res.

APPLICATION FEE

Non-refundable fee of \$400.00 must be paid to the Town at the time this application is filed.

CONDITIONAL USE DESCRIPTION

Please describe the nature of the Conditional Use request: See attached

narrative

Conditional Use Permit Description

I would like to amend the conditional use permit for the parking lot parcel located at 445 Zion Park Blvd. The access to this parcel would be changed to 479 Zion Park Blvd located at the entrance to the Zion Canyon Campground. Stew Ferber is currently engineering a box culvert to cover the ditch and will pave or asphalt over the box culvert to gain access to the 445 address that contains the parking lot. He is currently in the process of acquiring this property from Travis which will give Stew ownership of the parking lot parcel in January. I would like to lease this parking lot from Stew and use the current access to the parking lot from the 445 address until the box culvert project is finished and Stew has access to this property from the 479 Zion Park Blvd access which is shown on the site map supplied with this application. In summary, my access to this property and use for parking revenue will remain the same until access to this parcel is complete from Zion Canyon Campground (479 Zion Park Blvd) after which I will abandon this lease from Mr. Ferber to operate a paid parking lot.

Travis Barney

Weeping Rock Holdings

Zion Park Lot





Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: January 10, 2020
Re: **January 15, 2020 Planning Commission Meeting**
Conditional Use Permit Modification: Request to Revise Conditions of Approval Parking Lot – Parcel S-105 (S-103-G), 445 Zion Park Blvd, Travis Barney

Overview

In 2017 the Town approved a conditional use permit to operate a public parking facility on parcel S-103-G (now parcel S-105), located adjacent to the rear of the Whiptail Grill. The parcel is zoned Valley Residential (VR). Until early 2017, public parking areas were allowed as a conditional use in the Valley Residential zone. The Town has since amended the code and removed public parking as a conditional use in the VR zone.

The general standards for conditional use permits require uses which generate more than 10 vehicular trips per day to be “located on a dedicated public street.” (See 10-3A-4(F)) To ensure compliance with this standard, the Council imposed a condition on the permit that required the VR zone parcel S-103-G to be combined with the Whiptail Grill parcel (S-104-A) which is adjacent to SR9. This lot combination allowed the Council to determine affirmatively that the public parking area was “located on a dedicated public street.”

Travis Barney, owner of the public parking area, is now requesting a modification of this condition of the permit. Mr. Barney is requesting that the public parking area parcel be combined with the Zion Canyon Campground parcel (S-95) instead of the Whiptail Grill parcel (S-104-A). Access to the public parking area would then come off SR9 and through the campground. Access to the parking would no longer come off SR9 and through the Whiptail Grill parcel.

Mr. Barney intends to transfer ownership of the public parking facility to Stewart Ferber, owner of the Zion Canyon Campground. This transfer will not be possible unless the condition of the permit is modified to allow the public parking area parcel to be combined with the campground parcel instead of the Whiptail Grill parcel. This will also allow access to the parking area to come through the campground, and not the Whiptail grill.

Even though the Town no longer allows public parking as a conditional use in the VR zone, the conditional use permit standards in place at the time the permit was issued, as well as the conditions of permit, are still binding on the public parking use. The Town should review the requested modification in terms of compliance with the standards in place when the permit was issued, as well as the conditions attached to the permit.

The sole question for the Town to consider is:

Will the public parking area continue to meet all the standards for public parking area conditional use permits in the VR zone if the public parking area is combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel?

The following additional information is important background to frame the Town's analysis of the requested modification:

- The public parking parcel (S-103-G) was combined with the Whiptail Grill parcel (S-104-A) in January of 2017, in fulfillment of the condition of the permit. Staff confirmed this lot combination with the County Recorder in January 2017. Recorder's notes on the Whiptail Grill parcel indicate the combination was complete in January 2017. However, after the lot combination was completed, Mr. Barney and Wayne Hamilton (who owns adjacent property not involved with the conditional use permit) filed a Record of Survey to clarify the location of the lot line between their respective properties. Although the purpose of the record of survey was to clarify the lot line between Mr. Barney and Mr. Hamilton's property, it had the secondary and unintended effect of uncombining the public parking parcel from the Whiptail Grill parcel. When the Record of Survey was recorded, the County Recorder uncombined the public parking parcel from the Whiptail Grill Parcel. The Recorder also gave the public parking parcel a new parcel number (S-105).
- The public parking parcel is separated from the Zion Canyon Campground physically by a large wash. It is not currently possible to access the public parking parcel from the campground parcel in a vehicle. Mr. Ferber has applied and been given approval to install a box culvert in the wash. Once this work is complete it will be possible to have vehicular access from the campground to the public parking parcel on top of the box culvert.
- There is a commercially zoned parcel (S-103-B-1) in between the public parking parcel and the campground parcel. Access to the public parking parcel would need to cross this intervening parcel. Mr. Ferber owns this intervening parcel. This parcel (S-103-B-1) would need to be combined with the campground parcel (S-95) in order for the public parking parcel (S-105) to also be combined with the campground parcel.
- According to the Record of Survey discussed above, there is a deed gap between the public parking parcel and the Whiptail Grill parcel, as well as between the public parking parcel and the intervening commercially zoned property (S-103-B-1) adjacent to the campground. The deed gaps need to be rectified in order for the public parking parcel to be combined with either the Whiptail Grill parcel or the campground parcel.
- Because the box culvert in the wash is not currently installed, and therefore access from the campground is not currently possible, Mr. Barney would like to continue to operate the paid parking business on the public parking parcel. Mr. Barney is requesting the Town modify the condition on the permit to allow the public parking parcel to be combined with the campground parcel, but also allow him to continue to operate the paid parking business until there is vehicular access to the parking area from the campground.
- Staff understands Mr. Ferber does not intend to operate a paid parking business on the public parking area. Rather, he intends to use the public parking area to support the commercial businesses on the campground parcel.

An aerial image and map showing some of the information above is attached to this report.

Applicable Ordinances

The Council should review the following code chapters or sections:

1. Chapter 10-11B: Village Commercial Zone
2. Chapter 10-3A: Conditional Uses
3. Conditional Use Permit

Staff Analysis

The Town Code contains general and specific standards to evaluate all conditional use permit requests. If the proposal complies, or can be made to comply through the imposition of reasonable conditions, to the establish standards the town must approve the conditional use permit. If the request cannot comply with established standards the town should deny the conditional use permit.

The Town analyzed the proposed parking area for compliance with these standards at the time the permit was issued (2017). At that time the Town found the use met all the standards, subject to the conditions of the permit, and issued the permit.

The Town does not need to reanalyze the public parking use for compliance with all the conditional use permit standards. That analysis has already been done. The Town only needs to analyze how the requested modification (combining the public parking with the Zion Canyon Campground instead of the Whiptail Grill) will impact compliance with the standards.

General Standards

There are six general standards with which all conditional permit requests must comply (see section 10-3A-4). They are analyzed below.

A. The proposed use shall comply with all applicable land use standards contained in this title.

When reviewing the original conditional use permit for the public parking area, the Town analyzed compliance with land use standards. The Town found the parking area would comply with all these standards. As constructed, the parking area continues to comply with these standards.

The Town should consider whether combining the public parking parcel with the campground parcel, instead of the Whiptail Grill parcel, will impact compliance with these standards.

Since both the campground parcel and public parking parcel currently comply with all applicable land use standards, staff finds that this conditional use standard will continue to be met if the public parking parcel is combined with the campground parcel.

B. The proposed use shall not unreasonably interfere with the lawful use of surrounding properties.

The public parking area has been in operation for the past two years, without any documented interference with the lawful use of the surrounding properties. Changing the access point from the Whiptail Grill parcel to the Zion Canyon Campground parcel is unlikely to have any negative impact on surrounding properties, with the exception of the Ferber-owned intervening parcel (S-103-B-1).

The proposed new access would traverse parcel S-103-B-1, thereby interfering with its lawful use. However, this property (S-103-B-1) is owned by Mr. Ferber, who will also own the public parking parcel. Mr. Ferber's plans are to use the public parking parcel in conjunction with the development on the campground parcel and intervening parcel (S-103-B-1). In this way the public parking use will complement, rather than interfere, with the lawful use of parcel S-103-B-1.

C. 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.

During review of the original conditional use permit the Town expressed concern about the public parking use's potential to create the need for additional public restrooms, which the Council found are

Dear Springdale Planning Commissioners, Mayor Smith, Tom Dansie,

To address tonite's public hearing, please include my statement below in your hearing.

The sole question for the Town to consider is:

Will the public parking area continue to meet all the standards for public parking area conditional use permits in the VR zone if the public parking area is combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel?

Addressing General Standards, section 10-3A-4-B:

“The proposed use shall not interfere with the lawful use of surrounding properties.”

Park Lane History:

Being a 40 year resident of that neighborhood who knew well the past residents of these properties for some 40+ years before me, the original intention of Park Lane was to allow Warren Hamilton, Wayne's father, to be able to access the agricultural acreage property east of my property. Without this access, the Hamilton property would be in landlock. As a neighborly favor, the Dratter's and Reusch's got together and granted an easement to Hamilton to access his property, that access is now Park Lane, between my property and Travis's. The zoning map came along in 1983 (?) designating the Dratter property (S-103-G) residential and the zone remains residential with the conditional use permit. This lot was used agriculturally until Travis put in the parking lot in 2017. Historically, it has never been used residentially to my knowledge.

Please accept this as documented interference:

I have done all the maintenance for Park Lane. Traffic there has increased considerably with the parking lot. Often with music blaring, Whiptail employees speed up and down Park Lane to and from work having been instructed to use that access rather than the south side of Whiptail Grill. Tourists coming and going from the parking lot use Park Lane to reach Zion Park Blvd. They wander into both mine and the Hamilton property. My property has been impacted negatively by this increased traffic.

If this change is granted, I strongly request that ALL Whiptail Grill employees and tourist traffic be directed to the south side of the building as to not interfere with me, the surrounding property. I request a gate be installed, kept locked and used only as needed. This gate should be included in final compliance with the requested changes.

General Standards, section 10-3A-4-D:

“The proposed use shall not emit excessive noise, or noxious odors, and adversely impact the quality of air or water.”

Thus far, the existing property has complied. However, if the property is to be used as a waiting area for registration for the campground, engines must be turned off while parked & waiting. This is of high concern to me and without question will adversely impact noise & my air quality.

General Standards, section 10-3A-4-E:

"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.

I am not aware if Springdale has an ordinance concerning the finished side of a fence be placed to the outside of the property. In this case, the finished side of this fence is to the inside of the property. We neighbors look at the framed, unfinished, side of this fence, not a pretty sight.

In conclusion and my opinion, I see the parking lot being used as a holding/waiting area for the campground as a great idea hopefully solving the congestion that registration of large RV's currently causes on SR-9.

Please document and honor my complaints and concerns about Park Lane within this conditional use change request to ensure that, General Standards, section 10-3A-4-B: "The proposed use shall not interfere with the lawful use of surrounding properties."

Sincerely,

Julie C. McKown

425 Zion Park Bl.

Flanigan's Villas

Springdale, UT. 84767