

1. March 18, 2020 - Agenda

Documents:

[031820.PCA.COURTESY.AMENDED.PDF](#)

2. March 18, 2020 - Packets

Documents:

[ITEM A1 - THAI SAPA TRANSIENT LODGING CUP 3-18-20.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, MARCH 18, 2020
AT THE CANYON COMMUNITY CENTER 126 LION BOULEVARD, SPRINGDALE, UTAH.
THE MEETING WILL BEGIN AT 5:00 PM.

****Amended agenda removes the Non-Action Items from this meeting.
These items will be added again to a future agenda.**

Attending Clerk: Darci Carlson

Approval of the agenda
Commission discussion and announcements

A. Action Items

1. Conditional Use Permit, continued from 2/19/20: Request to use a newly constructed housing unit behind Thai Sapa as a transient lodging unit at 198 Zion Park Boulevard - Dennis Brooks.

~~B. Non-Action Items~~

- ~~1. Discussion of Erosion Hazard Zone ordinance revisions~~
- ~~2. General Plan Update: Preparation for solicitation of public input~~
- ~~3. Discussion of allowing Accessory Dwelling Units in the Foothill Residential Zone~~

C. Consent Agenda

1. Minutes: February 19th and March 4th

D. 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 March 13th: <http://www.springdaletown.com/AgendaCenter/Planning-Commission-7>



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: March 13, 2020
Re: **March 18, 2020 Planning Commission Meeting**
Conditional Use Permit: Transient Lodging Facility – 198 Zion Park Boulevard, Dennis Brooks

In the February meeting the Commission reviewed a conditional use permit application for a transient lodging facility at 198 Zion Park Boulevard. The Commission found the request met all the standards for conditional use permits, with the possible exception of the standard that requires the conditional use to comply with all applicable land use standards.

Given the location of the proposed transient lodging facility near several documented geologic hazards, the Commission felt the proposed use might not comply with the land use standard contained in section 10-11B-12(A) of the Town Code. This section states:

Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, floods or excessive soil erosion.

The Commission discussed this same standard during the original DDR prior to construction of the building proposed to house the transient lodging unit. At that time the Commission determined the construction could proceed because the proposed use of the building was an office and long-term residential occupancy by the owner or owner's employees. The Commission felt the owner was aware of the risks presented by the natural hazards and had made the choice to move forward with construction and use of the building at his own risk.

The Commission felt there was a difference between long-term residential occupancy by the owner or owner's employees who were aware of the natural hazards, and short-term occupancy by the traveling public who would have no knowledge of the particular risks associated with occupancy of the unit. In the latter case the Commission felt that individuals unaware of the geologic and natural hazards would be placed at unreasonable risk of injury.

Based on this finding, the Commission considered requiring the applicant to provide some sort of notice to potential renters about the risks associated with occupying the transient lodging unit in advance of their decision to rent the unit. The Commission requested legal guidance on the feasibility of such a requirement, and the best way to impose the requirement.

The Town Attorney has prepared a legal opinion for the Commission's review. This attorney-client privileged opinion will be forwarded separately to the Commission.

Packet material from the February meeting is attached to this report for the Commission's convenience.



Memorandum

To: Planning Commission
From: Sophie Frankenburg, Associate Planner
Date: February 14, 2020
Re: **February 19, 2020 Planning Commission Meeting**
Conditional Use Permit: Transient Lodging Facility – 198 Zion Park Boulevard, Dennis Brooks

Overview

Dennis Brooks has requested approval of a conditional use permit for a transient lodging facility at 198 Zion Park Boulevard in a new structure to the rear of the Thai Sapa restaurant. The property is located in the Village Commercial (VC) zone. The transient lodging facility will be a short-term rental consisting of one transient lodging unit.

The transient lodging facility is proposed to occupy the second story of a recently constructed building to the rear of the parking area for the property. The new building contains an office space on the first floor and a residential unit on the second floor. The residential unit is now being proposed to be used as a transient lodging unit.

Applicable Ordinances

The Commission should review the following code chapters or sections:

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

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 established 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 Planning Commission should determine if the proposed transient lodging facility will comply with the standards in the ordinance.

Conditional Use Permit General Standards

There are six general standards with which all conditional permit requests must comply (see section 10-3A-4). Staff’s analysis of the applicant’s request with respect to these standards follows:

Standard	Proposal	Comments
<i>The proposed use shall comply with all applicable land use standards</i>	TLU's are only allowed in the VC and CC zone The proposed property is in the VC zone. Parking: currently contains 16 spaces, must have a minimum of 16 spaces for restaurant and apartment.	In compliance. However, the commission may wish to consider section 10-11B-12(A) below. Parking: the applicant has indicated that four parking spaces will be added and the stalls will be delineated .
<i>The proposed use shall not unreasonably interfere with the lawful use of surrounding properties.</i>	The proposed use is in a commercial area. There are transient lodging facilities on all of the nearby developed properties.	The addition of an additional lodging unit on the subject property is not likely to unreasonably interfere with the uses of surrounding properties
<i>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.</i>	The proposed use will not create a need for municipal services that cannot be currently handled.	In compliance.
<i>The proposed use shall not emit excessive noise, or noxious odors, and shall not otherwise adversely impact the quality of air or water.</i> <i>1. If located either in or less than one hundred feet (100') 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 eleven o'clock (11:00) P.M. or before the hour of seven o'clock (7:00) A.M.</i>	The property is adjacent to residentially zoned properties	The Commission may wish to impose a condition of approval that requires the transient lodging facility to avoid making loud noises between the hours of 11:00 PM and 7:00 AM.
<i>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>	The property adjacent to the north of the proposed use is zoned Foothill Residential	The FR zoned property immediately north of the property contains steep slopes that are part of the Springdale Landslide. These steep slopes have no development potential. There will never be a residential use on this property that would benefit

		from a screen fence. Further, building a screen fence on the steep slopes may be difficult and unwise. Staff recommends a screen fence not be required on the boundary to the FR zoned adjacent parcel.
<i>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.</i>	The proposed transient lodging facility is located on Zion Park Boulevard, a dedicated public street.	In compliance.

10-11B-12(A):

“Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, floods or excessive soil erosion.”

During the review of previous applications on this property the Town expressed concern over the natural hazards associated with the Springdale landslide, steep slopes, rockfall, and flooding. Previous approvals were granted only after careful analysis of the hazards on the site, as well as site improvements intended to reduce the risks associated with these hazards. The Town has allowed previous development on this parcel notwithstanding the natural hazards because based on the site improvements designed to reduce risk from the hazards.

The Commission may wish to discuss whether or not allowing transient overnight occupancy of the structure will “place... individuals at unreasonable risk of harm or injury” from natural hazards.

Conditional Use Permit Specific Standards

There are three specific standards with which all transient lodging facilities must comply (see section 10-3A-5(E)(15)). Staff’s analysis of the applicant’s request with respect to these standards follows:

Standard	Proposal	Comments
<i>Access and entrances to guest rooms (including rear patios and balconies) must be placed and oriented to have as minimal an impact on surrounding properties as possible.</i>	All entrances and accesses into the proposed vacation rental are located and oriented in such a way that they will not have a noticeable impact on surrounding properties.	In compliance.
<i>Outdoor gathering areas (pools, patios, courtyards, etc.) located such that they will not cause</i>	The plans for the approved building do not contain any outdoor gathering areas.	In compliance.

<i>unreasonable increases in noise, lighting or other impacts on surrounding residentially zoned property.</i>		
<i>Outdoor lighting must be designed such that no light source is visible beyond the property boundaries. All exterior lights must use full cut off fixtures.</i>	As shown on the approved DDR plans, all lighting associated with the proposed use will meet this standard.	In compliance.

Public Comment

Staff has not received any public comment on this proposal.

Sample Motion

The Planning Commission should make findings regarding the proposed transient lodging facility's compliance with the conditional use permit standards. These findings could be based on the discussion in the staff report above.

Based on these findings the Commission should make a motion to recommend either approval or denial of the conditional use permit. The Commission could consider using the following sample language for the motion:

*The Planning Commission recommends **approval/denial** of the conditional use permit for transient lodging at 198 Zion Park Boulevard. This motion is based on the following findings:*

[LIST FINDINGS]

RECEIVED

JAN 29 2020



TOWN OF SPRINGDALE

TOWN OF SPRINGDALE

By [Signature] #1224 \$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: Dennis Brooks

Street Address: 260 E 25 S Rockville 84763

Mailing Address: PO Box 421 Springdale 84767

Email Address: frankgapas@yahoo.com

Phones (Home) _____ (Cell) 7726900 (Fax) _____ (Business) _____

SITE INFORMATION

Project Address: 198 Zion Park Blvd

Tax Code Number: _____ Zone: VillageComm.

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: I would like to occasionally rent my apartment as a nightly rental

REQUIRED INFORMATION

The following items must be submitted before the conditional use request will be scheduled for public hearing:

- A. A copy of the surveyed legal description of the property in question.
- B. A statement certifying that the applicant is the legal owner of the property in question, or a letter from the legal owner certifying that the applicant is authorized to apply for the variance and represent the owner.
- C. Plats, plans or drawings drawn to scale showing the location and dimensions of all buildings and structures, streets, vehicle circulation patterns, parking, landscape and open space areas, signs or other information as appropriate to the application. Elevation plans shall be of sufficient detail to indicate the type and color of building materials, and shall indicate materials to be employed and methods of screening provided. Preliminary landscape and irrigation plans which incorporate the landscaping requirements of this title shall be included in the submitted plans
- D. Plans and/or preliminary report describing the proposed provisions for storm drainage, sewage disposal and other public improvements and utilities.

ADDITIONAL INFORMATION

Please provide an estimate of the following:

Description of all contiguous uses In a separate space below apartment is my office, storage room and bathroom/laundry.

Projected daily visitation figures for the use 2

Anticipated number of employees 0

Gross area to be occupied by the use 425 Sq ft

Anticipated water usage (gallons/ day) 460 g/d

Description of wastes and by-products generated by the use some sewage, garbage and recyclables...

APPLICANT CERTIFICATION

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

Printed Name: Dennis Brooks

Signature: 

Date: 1/29/20

Ownership Statement

The property at 198 Zion Park Blvd. in Springdale, UT is owned by Tung's LLC, which is solely owned by myself, Dennis Brooks.



1/29/20

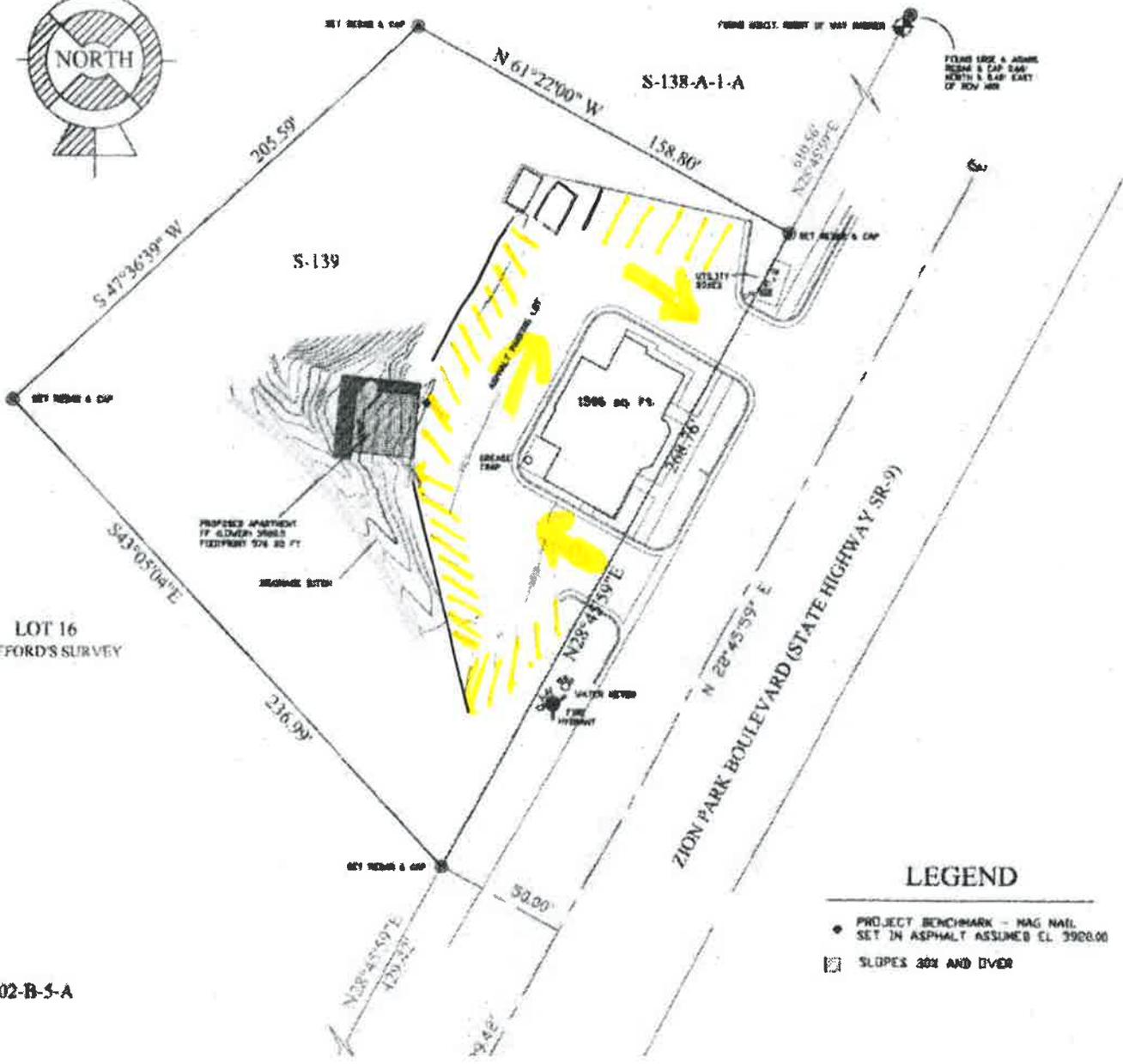
Notes:

Re: C. of the application. The parking lines have not been drawn yet as I am waiting for warmer weather for painting. There have been four spaces added onto our existing parking lot as the lot was redone and enlarged. Two of the spaces are earmarked for the apartment. The vehicle circulation remains as previously, clockwise.

The preexisting irrigation system has been removed and areas affected by construction are in the process of being xeriscaped with native and drought tolerant shrubs and flowers.

Re: D. of the application. The apartment has already been given a 'CO' so that nothing new has been added, or will be added. Utilities, improvements, sewage disposal and storm drainage were approved as well according to the aforementioned 'CO'. Therefore, there are no proposed revisions to report.

SITE PLAN

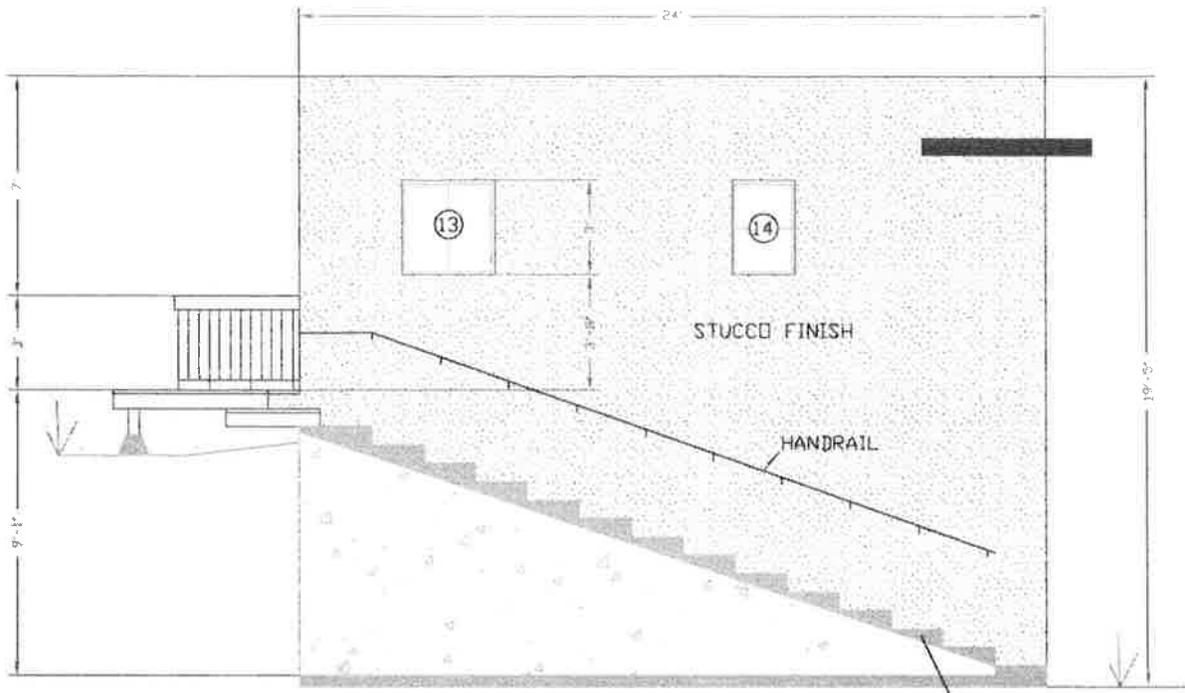


LOT 16
O.D. GIFFORD'S SURVEY

S-102-B-5-A

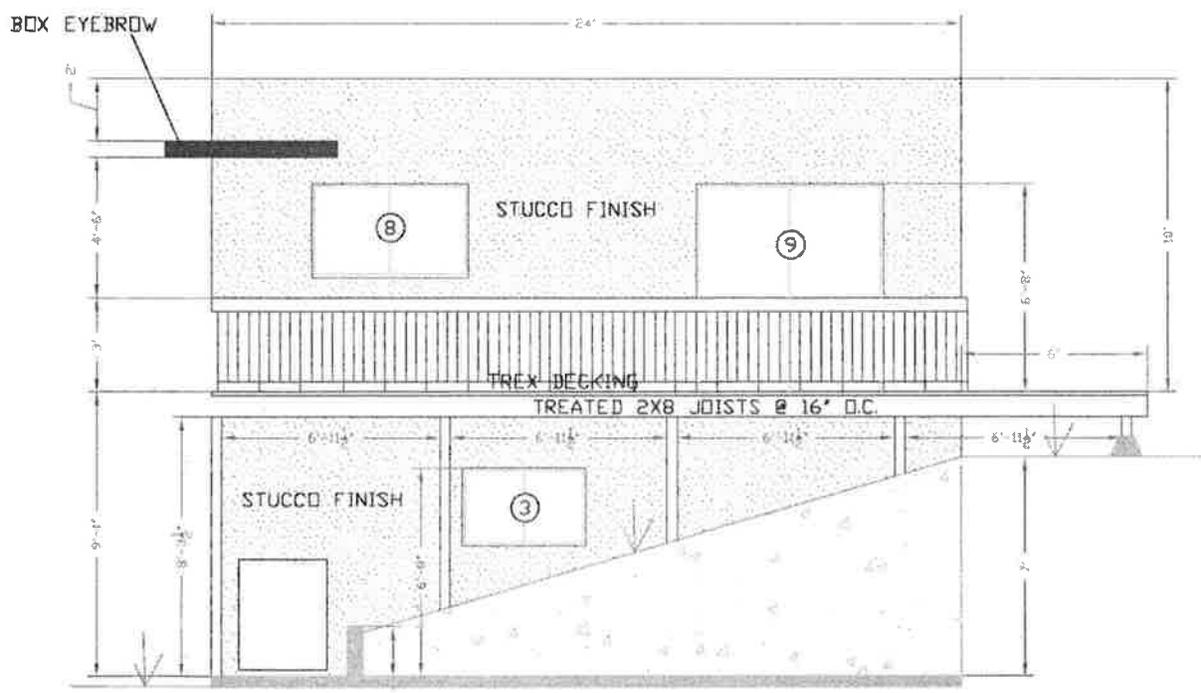
LEGEND

- PROJECT BENCHMARK - MAG NAIL
SET IN ASPHALT ASSUMED EL. 3900.00
- ▨ SLOPES 30% AND OVER



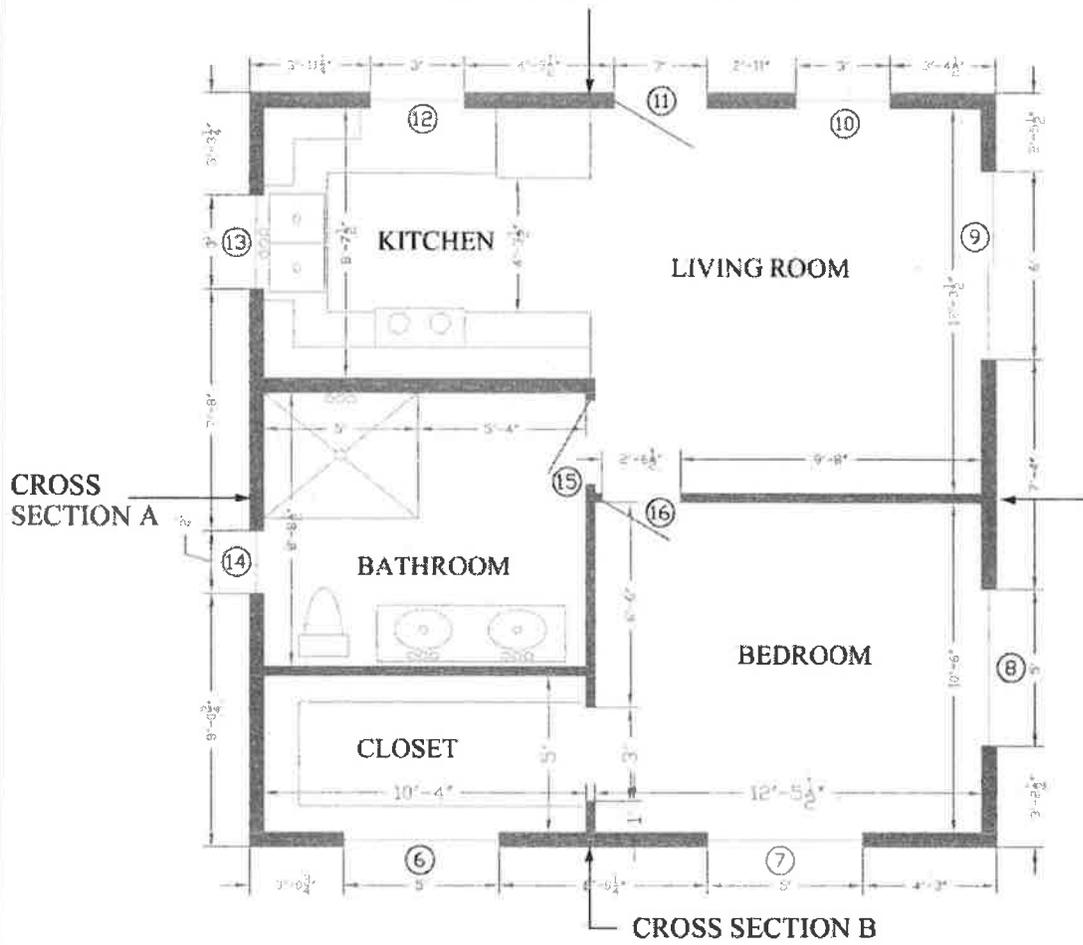
SOUTH ELEVATION

CONCRETE STEPS
20" RUN 7" RISE

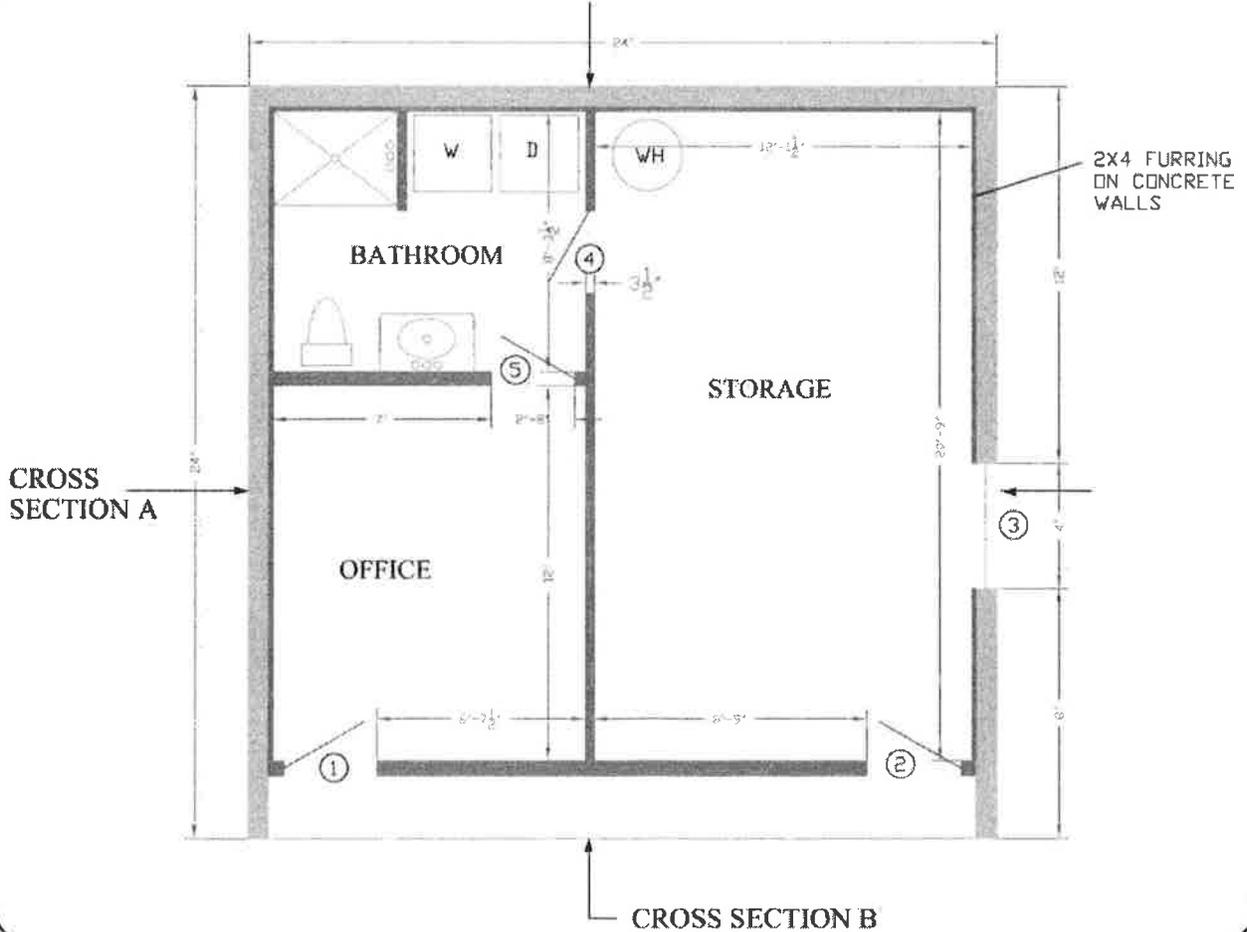


NORTH ELEVATION

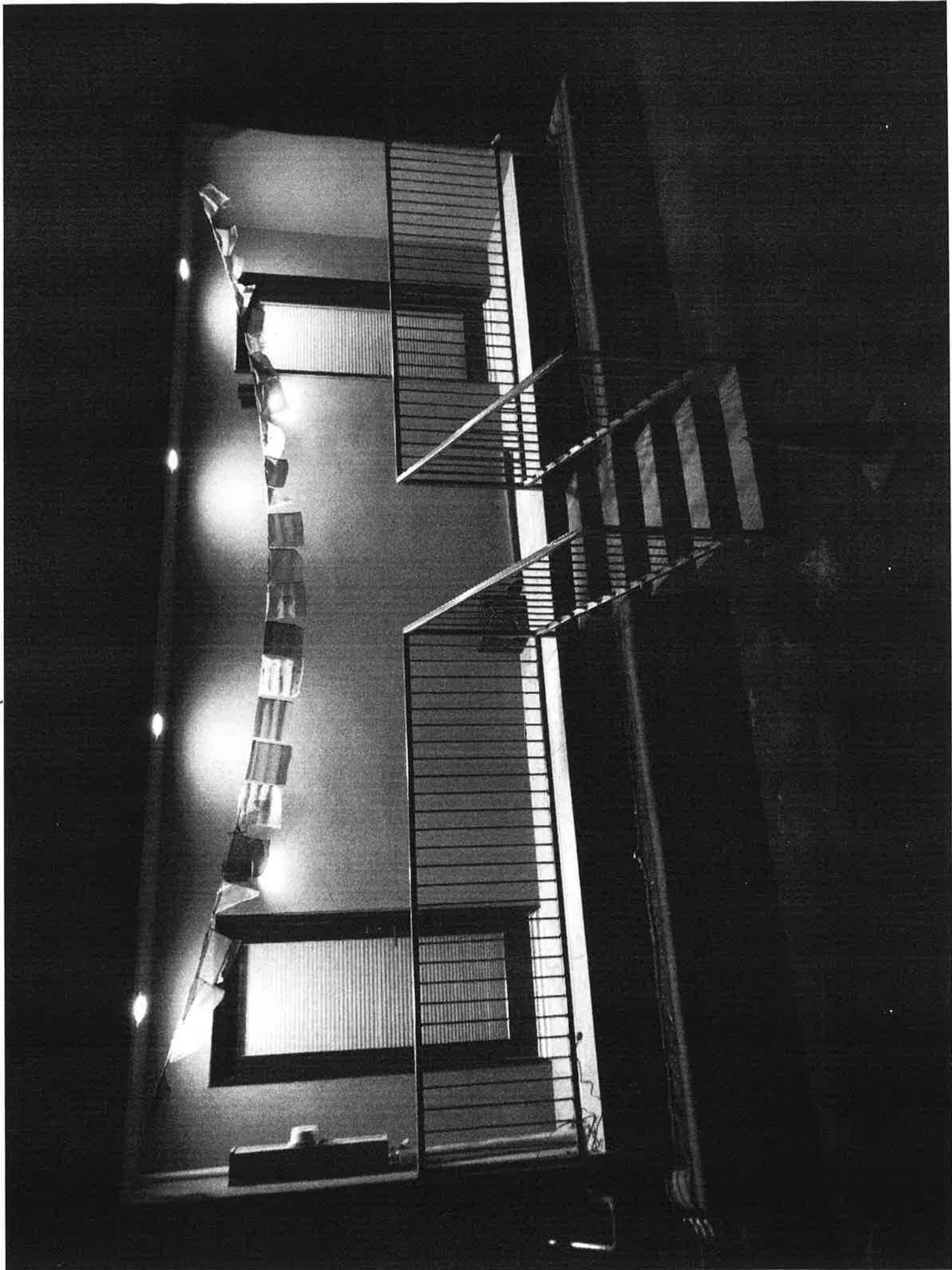
UPPER LEVEL FLOOR PLAN



LOWER LEVEL FLOOR PLAN



FRONT



SOUTH SIDE STAIRS



FRONT

