



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY, SEPTEMBER 20, 2023, AT 5:00 PM
AT THE CANYON COMMUNITY CENTER,
126 LION BOULEVARD, SPRINGDALE, UT 84767**

MEMBERS PRESENT: Chair Kyla Topham, Commissioners Noel Benson, Adam Hyatt, Pat Campbell, Pam Inghram, Terry Kruschke and Jonathan Shafer from Zion National Park

MEMBERS EXCUSED: Commissioner Tom Kenaston.

ALSO PRESENT: Director of Community Development, Tom Dansie; Principal Planner, Niall Connolly; Kyndal Sagers, Zoning Administrator; Town Clerk, Aren Emerson recording. See the attached sheet for attendees.

Approval of the Agenda:

Motion made by Pam Inghram to approve the agenda. The motion was seconded by Adam Hyatt.

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

General Announcements:

There were no announcements.

A. Action Items

1. **Public Hearing - Design Development Review:** Remodel and reconstruction of several of the buildings at Flanigan's Inn and Spa at 450 Zion Park Blvd. Applicant: Cade Campbell. Staff contact: Niall Connolly.

Staff Presentation:

Mr. Connolly presented the Design Development Review (DDR) application for the remodel of Flanigan's Inn and Spa at 450 Zion Park Blvd. The property had eight buildings in total, with thirty-four hotel rooms.

- Building three would have a two-story addition and internal reconfiguration. The proposed remodel would eliminate eight hotel rooms, and the entire building would be used as a spa. The façade would also be revised.
- Building four was proposed to be demolished. In its place would be a two-story building containing six hotel rooms. The new building would be attached to the existing building five by an external stairwell and an accent connecting wall.
- Building eight would be demolished, eliminating two hotel rooms, and be replaced with a new, single-story building containing eight hotel rooms.
- Associated landscaping, including patio and shade structure in front of building three, facing onto SR-9 would be altered.

After the proposed remodel, the number of hotel rooms did not change.

A portion of the property was within the high landslide hazard zone and moderate rock fall zone. The applicant provided a geotechnical investigation report and a geological hazard report. The Town geotechnical consultant had reviewed those reports and advised the landslide risk is higher than average, however, not at an uncommon level for the Town of Springdale. He noted the formations in question were older and generally stable. He concluded the assessment was sound, the development could proceed, and was compliant with the Town's geologic hazard ordinance.

Mr. Dansie informed the Commissioners that building three was non-conforming due to being in the front setback. Adding to that building would not expand on the non-conformity because it would be outside the setback. The procedure for approving extensions to non-conforming buildings would require approval by the Town Council. The extension was approved on September 13, 2023. He clarified that the Council's approval was not for the approval as a whole.

The proposed shade structure on building three sat in the setback. Section 10-11B-7 of the Town code allowed permissible encroachments to the setback because shade structures were not listed. However, the code did allow for non-commercial pedestrian conveniences such as water fountains, park benches, etc., and open air Displays. The Planning Commission should determine if that portion of the design is in compliance.

Applicant Presentation:

Cade Campbell, a Flanigan's Inn and Spa representative, approached the podium. He stated that Mr. Connally presented a thorough presentation, and he had nothing further to add.

Questions from the Commission:

Mr. Benson asked if he would be comfortable meeting the conditions set by Landmark.

- Cade Campbell said they would abide by Landmarks recommendations.

Mr. Kruschke asked if the proposed roof pitch of building three would affect the change to the structure. He stated he was not concerned about the pitch but rather how much of the building would need to be removed.

- Cade Campbell said flattening the roof pitch may require changes but would comply with the Town code. He stated the peak of the roof would stay the same. The portion of the building in the setback was single-story, which would remain single-story on the east face of the building. They would not add any structure to the structure already in the setback. The addition would all be behind the setback. He confirmed the second-story is outside of the setback.

Mr. Kruschke asked if the intent was to plant more trees than were removed.

- Cade Campbell said some existing trees would need to be removed. Trees such as the Siberian Elms were aged or had been problematic and would need to be removed due to the proximity to the structures. The landscaping plan did follow and exceed all Town codes. He stated they wanted to plant trees before construction, but the Arborist advised them to wait. He confirmed they planned to plant more trees than those being removed, and the trees would be native species or draught-tolerant.

Ms. Topham asked what the plan was for the covered area in the setback.

- Cade Campbell stated that the intention was to improve the area and make it more inviting. They wanted to open up that area to more public use. They wanted to add a water fill station, bike repair station, bike racks, and shade structure. The non-commercial pedestrian convenience would be a way to help beautify the Town and give back to the Town at their own expense. That area would be open to the public and not exclusive to guests.

Mr. Kruschke asked about the proposed landscaping between the public pedestrian walkway and the patio and how that made the space more inviting to the public. Based on the DDR, it appeared it would be less inviting to the public

- Cade Campbell explained that there were approximately fifteen feet of open access, minus the tree trunk. Pedestrians would be able to walk under the tree. He stated the landscape could be changed if that was the recommendation.

Ms. Inghram requested more information regarding the patio surface material.

- Cade Campbell has planned on using split pavers with some draught-resistant ground cover between them. There would be a gentle slope to allow for drainage toward the natural sidewalk and would be in compliance with the Town code.

Questions from the public: None were asked.

Motion made by Noel Benson to open the Public Hearing. The motion was seconded by Pat Campbell.

Campbell: Aye

Inghram: Aye

Hvatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Public Comment: No public comments

Motion made by Adam Hvatt to close the Public Hearing. The motion was seconded by Pam Inghram.

Campbell: Aye

Inghram: Aye

Hvatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Commission Deliberation:

Mr. Campbell appreciated the shade structure and stated that it was a great addition to the Town for public use. He did not see any issues with access.

Mr. Kruschke countered that the shade structure was inconvenient and too far away from the pedestrian area/shuttle stop. He expressed concern that the public would take advantage of the added benefit due to proximity and suggested adding a condition that access had to be made available.

Ms. Inghram agreed and said it did not alleviate the need for a shade structure over the shuttle stop. She commented that so long as it did not replace the shade structure over the shuttle stop, it would be a good extension for people to stand under instead of standing in the middle of the sidewalk.

Ms. Topham supported the shade structure even though it was a little further away it might help with pedestrian congestion when people are waiting at the shuttle stop. Even though it may not be an ideal or perfect setup, it could be useful. She agreed to add a condition ensuring pedestrian access.

Mr. Benson supported a local business wanting to add benefit to the public. He suggested requiring a water filling station and a bike repair station and make it more inviting to those who passed by.

Mr. Dansie shared with the Commissioners that the current streetscape plan did not encourage this type of development and was not clearly spelled out in the Town ordinance. He suggested the Commission consider an ordinance amendment that more clearly recognized what they wanted to happen to these types of developments in the future.

Ms. Topham stated that the Commission should discuss the split-face masonry block wall between buildings four and five and determine if it was similar to surrounding properties.

Mr. Kruschke commented on the wall and the ability to see it from SR-9. He said it did not appear to be, and the visual impact would not affect anyone outside of the property. Because of this, he was more inclined to accept the plans.

Ms. Topham and Mr. Campbell had the same takeaway.

Mr. Benson did not agree and stated that it could be a grey area.

It was observed that the concrete planter color shown in the DDR was not an approved color. Cade Campbell indicated the color was an error and they would be in compliance.

The Commissioners discussed a requirement of combining the multiple parcels.

The Commissioners reviewed the patio access and decided it needed to be more defined with better access.

Motion made by Pat Campbell that the Planning Commission recommends approval with changes to the design and development review for the remodel of Flanigan's Inn and Spa at 450 Zion Park Blvd as discussed in the Commission meeting on September 20, 2023. This motion is based on the following findings:

1. **The proposed development meets all requirements of the Village Commercial Zone.**
2. **The proposed development meets all requirements of the architectural standards and design guidelines of the ordinance.**
3. **The proposed development meets all requirements of the landscaping ordinance.**
4. **The proposed development meets all requirements of the color palette ordinance.**
5. **The proposed development meets all requirements of the outdoor lighting ordinance.**

This motion has the following conditions of approval:

1. **All concrete in the development, including the planter boxes, shall be Davis Color #5084 Goldenrod 2%, which is two pounds of color per one hundred pounds of concrete.**

2. Parcels S-132-A, S-132-B, S-132-C and S-133 must be amalgamated into one single parcel.
3. The construction will follow landmark testing and engineering geotechnical recommendations.
4. Construction of a defined, convenient, and inviting access of no less than eight feet to the area adjacent to building three from the sidewalk.

The motion was seconded by Adam Hyatt.

Discussion of the motion: Mr. Hyatt proposed an amendment to include the addition of a bike repair station and a water filling station. Mr. Benson proposed an amendment to include a requirement to plant more trees than what would be removed.

Mr. Campbell accepted the amendment.

Vote on Motion:

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

Mr. Benson expressed that he was glad this was a remodel because, based on the geo-report, he was not sure he could approve a new proposal.

2. **Public Hearing – Ordinance Revision:** Changes to Chapters 10-11 and 10-25 of the Town Code relating to access standards for commercial properties. Staff contact: Niall Connolly

Staff Presentation:

Mr. Connolly detailed that the Planning Commission had previously discussed the proposed revisions to the code relating to access standards for commercial parcels. The aim was to clarify inconsistencies in the language used in the ordinance to be more specific about required construction standards for access to commercial parcels, cease the creation of new commercial parcels with substandard access, and reduce potential impacts on residential areas by preventing commercial parcels from being accessed through residential parcels. The Commission should discuss the proposed changes and recommend to the Town Council to either adopt or reject the proposed changes.

Questions from the Commission:

Ms. Inghram asked if a private street could limit or prevent public access by providing a gate or other barricade. She was concerned that this opened the possibility of some barrier being created.

- Mr. Connolly responded it was possible, in theory, for a private street to restrict or prevent public access by implementing a gate or other barricade.

Mr. Kruschke asked if there was an ordinance disallowing gates and if it only applied to residential.

- Mr. Dansie clarified that the ordinance applied to subdivisions. The subdivision could be commercial or residential property. In any new subdivision, gates were not allowed. If a piece of commercial property gained access through a private street, it would not be permissible to construct a gate on that street. He explained that the purpose of the lot area, lot width, and frontage ordinance was to ensure that an owner of a parcel had access to their property. As with

a residential property, the Town allows access to residential properties from private streets. Similarly, those could be blocked with an access barrier. However, that did not mean the property owner could not continue to access their property. That was the same purpose of this requirement in the commercial zone. That was about access for the property owner, and it was up to the owner to make a determination whether they wanted to invite the public onto the property. If someone were to invest in a commercial property in the commercial zone, it would be wise to ensure that if they intended to develop for a commercial purpose and invite the public, there was something in addition that guaranteed public access, such as through an easement. That was separate from this standard, ensuring that when someone purchased a property, they were not landlocked and had access to it. Guaranteeing public access was something entirely different as it involved an owner's property rights and controlling who can and cannot access the property. That would be accomplished through easements, not necessarily land use regulations.

Ms. Inghram verified that even if it were a dedicated public street, that would not mean the public would be allowed on the property if the owner fenced it off.

- Mr. Dansie confirmed that was correct.

Mr. Benson questioned section 10-11B-3C, which read, 'No lot or parcel of land in the Village Commercial (VC) zone shall be accessed through a Valley Residential (VR) or Foothill Residential (FR) lot or parcel' and inquired why the Central Commercial (CC) was not included.

- Mr. Connolly responded that section 10-11A-3C referred to the CC zone.

Mr. Benson was curious why the date was set for the end of the year.

- Mr. Connolly shared that there was no specific reason, and the date could be changed to become effective as of the date of the ordinance adoption.

Questions from the public: None were asked.

Motion made by Pat Campbell to open the Public Hearing. The motion was seconded by Noel Benson.

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Public Comment: None were made.

Motion made by Pat Campbell to close the Public Hearing. The motion was seconded by Noel Benson.

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Commission Deliberation:

The Commission was comfortable with the way the ordinance read.

Motion made by Adam Hyatt that the Planning Commission recommends the Town Council adopt the proposed revisions to Title 10 of the Town Code relating to commercial property access as it makes the code consistent and protects access to property. As part of this recommendation, the Commission recommends making this applicable from the day of adoption of the ordinance rather than in December.

The motion was seconded by Noel Benson.

Vote on Motion:

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

3. **Public Hearing – Ordinance Revision:** Changes to sections 10-7A-4 and 10-22-7 related to rental of non-motorized recreational equipment (bicycles and e-bikes) and open air display of bicycles and e-bikes. Staff contact: Thomas Dansie.

Staff Presentation:

Mr. Dansie outlined that the ordinance amended two sections of the code.

- The first section was permitted uses relating to the rental of non-motorized recreational equipment. There were not any additional standards associated with that permitted use. The proposed ordinance added a new standard requiring non-motorized recreational equipment, either bicycles or e-bikes, to have the same classification and align with state law. Any establishment renting bicycles must provide a clearly marked one-hundred-foot training course. The path did not have to be a straight line, but it did have to be continuous.
- The second section was a modification to open air display standards. All open air display areas must be clearly marked on the property. Any business renting bicycles, e-bikes, or any other type of vehicle must separate the open air display from the public sidewalk using a physical barrier. The barrier must be sufficiently high and robust enough to prevent bicycles or vehicles from being transported from the open air display area into the public right-of-way. The intent was to prevent conflict between pedestrians and right-of-way.

Mr. Dansie suggested to the Commissioners the areas in the General Plan that this ordinance would support.

Questions from the Commission:

Mr. Campbell asked if the company was required to have the one-hundred-foot path on their property or if it could be on an adjacent property.

Mr. Benson expressed that providing some latitude to have the path in an adjacent area would be acceptable so long as it was not passing through a right-of-way. They were only required to place a barrier on the portion that abuts up to a right-of-way, which provided more options for path placement.

Mr. Shafer wondered if there was anything preventing one business owner in Town from setting up one continuous one-hundred-foot course with every other business owner using the same course and if it mattered.

The Commissioners debated that question and decided the one-hundred-foot course must be on the subject property or accessible without crossing a right of way.

Questions from the public:

Rich Swanson asked if there were any requirements ensuring the type of path required to ensure it wouldn't scar up the landscape around the buildings. How were they going to look?

- Mr. Benson explained that a lot of latitude was given, but from a business owner's perspective, he wouldn't want his property to look bad.

Rich Swanson said his concern was if a business owner was required to put a course in and wanted to continue to rent bikes, what stopped them from calling it a path and saying that they met the ordinance?

- The Commissioners agreed it was a valid question and would discuss his concern.

Garrett Wallman, with e-bikes Zion, approached the podium and stated they were curious about some bike shops that had more ability to have these types of training areas. He said their shop specifically had a gravel driveway that was very narrow and was also a driveway that led to another parking lot. If they were to have some sort of privately owned training course that is a continuous one hundred feet, if you've ever ridden an e-bike or any bike on gravel, it's very tricky. Because it was on their personal private property, they ran the risk of liability. Who covers that? If they had to have that on their property because there is no way of being able to go through a right-of-way outside of their shop, it was either going to be next door to another gravel driveway or to an abandoned Mexican restaurant and would technically be trespassing. Otherwise, they had the road. They were very limited in their ability to have that type of training course. Now that it was discussed that it no longer needed to be something that was certified by us (the owner) that a person was somehow trained, per se, to have an e-bike, which is great, but it also begged the question that if it was not enforced, what was the use? Bike lanes were on the road for bikes. We had car lanes for cars. He said he was curious about what stopped someone from making sure that people know how to drive coming into Zion versus a bike coming into Zion.

- Mr. Benson suggested that some customers would want to ride that course and ask to ride the course. They were not going to enforce it and couldn't anyway, but promoting an environment of safety was important.

Garrett Wallman said that if this requirement were going to be pursued, the business owner would have to spend tens of thousands of dollars changing their parking lot in order to adjust for that.

- Mr. Benson asked if he had a suggestion on how it could be augmented to make it more conducive for him.

Garrett Wallman stated if there was a way, he didn't know, but he knew there was mention about having a single location to have all bike shops use the course, which he was in favor of, but it begged beyond the question of mentioning right-of-way and making sure they didn't go right-of-way without using it. He wondered what that meant. Did it mean that certain shops that had a distance to that course had to have someone walk all the way there to get familiar with the bike just to come back and say it wasn't for them? He was all about safety, and they worked on continuously making sure all of their customers were happy with their product before they left and that there were zero safety issues for all parties. They were trying these things with their limitations, and it works for some shops but not necessarily for theirs.

- Mr. Benson acknowledged that was a good point, and Ms. Topham said it was something the Commissioners needed to discuss.

Gil Kiefer asked about the barriers and what was considered to be sufficiently high and robust. He expressed that if what is in an open air display cannot be seen, that negated the idea of having an open air display.

Garrett Wallman shared his concern with the open air display and worried that some barriers could create a trip and fall risk.

Motion made by Adam Hyatt to open the Public Hearing. The motion was seconded by Pam Inghram.

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Public Comment:

Gil Kiefer stated that with respect to the one-hundred-foot training area, it was a fantastic idea. There were too many times that people got on bikes and tried to ride when they did not have sufficient training or the capability to ride. However, he did not know what the prudence was of making a rule about having a one-hundred-foot training area if the business was not required to have its customers use the training area. If a business does not want to comply, why would an ordinance exist without requiring compliance?

Rich Swanson liked the idea but was concerned that with so many bike shops in Town and with every bike shop needing a training course, a lot of them would be snuck in between buildings and, from an aesthetic standpoint, could look crowded and would interfere with pedestrians and open space.

Motion made by Pat Campbell to close the Public Hearing. The motion was seconded by Pam Inghram.

Campbell: Aye

Inghram: Aye

Hyatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously

Commission Deliberation:

The Commission discussed enforcement and the use of the training course. They agreed they were intentionally vague to allow a business some flexibility in their implementation and use of the training course. They were also vague with open air display requirements to allow owners to be compliant but also fit the needs of their business.

Motion made by Noel Benson that the Planning Commission recommends approval of the proposed ordinance amendment regarding the rental of non-motorized recreational equipment and open air displays. This motion is based on the following findings:

1. **This ordinance satisfies the criteria in section 10-3-2A of the Town code.**
2. **The one-hundred-foot course must be on the subject property or accessible without crossing a right of way.**

3. The course cannot disrupt required or non-required landscaping.

The motion was seconded by Pat Campbell.

Discussion of the motion: After additional discussion on item 3, Noel Benson recommended it be removed.

The amended motion read:

Motion made by Noel Benson that the Planning Commission recommends approval of the proposed ordinance amendment regarding the rental of non-motorized recreational equipment and open air displays. This motion is based on the following findings:

1. This ordinance satisfies the criteria in section 10-3-2A of the Town code.
2. The one-hundred-foot course must be on the subject property or accessible without crossing a right of way.

The motion was seconded by Pat Campbell.

Vote on Motion:

Campbell: Aye

Inghram: Aye

Hvatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

B. Consent Agenda

Motion made by Adam Hvatt to approve the Consent Agenda for the Minutes from August 2, 2023 and August 16, 2023. The motion was seconded by Pat Campbell.

Campbell: Aye

Inghram: Aye

Hvatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

C. Adjourn

Motion made by Noel Benson to Adjourn at 06:32 p.m. The motion was seconded by Pat Campbell.

Campbell: Aye

Inghram: Aye

Hvatt: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

Robin Romero, Deputy Town Clerk

APPROVAL: _____ **DATE:** _____

A recording of the public meeting is available by visiting the Town's YouTube Channel at [youtube.com/@SpringdaleTownPublicMeetings](https://www.youtube.com/@SpringdaleTownPublicMeetings) Please call 435-772-3434 or via email at or more information.

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