



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON  
WEDNESDAY, AUGUST 17, 2022, AT 5:00 PM  
AT THE CANYON COMMUNITY CENTER,  
126 LION BLVD, SPRINGDALE, UT 84767**

**The meeting convened at 05:05 p.m.**

**MEMBERS PRESENT:** Chair Kyla Topham, Commissioners Tom Kenaston, Pam Inghram, Noel Benson, Pat Campbell, Adam Hyatt, and Susan McPartland from Zion National Park

**ALSO PRESENT:** Director of Community Development Thomas Dansie, Principal Planner Niall Connolly, Zoning Administrator Shelly Heaton, and Town Clerk Darci Carlson recording. See attached sheet for attendees.

**Approval of the Agenda:**

**Motion Made by Tom Kenaston to Approve the Agenda. The Motion was Seconded by Noel Benson.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

**General Announcements:**

Director of Community Development, Thomas Dansie, reported that the Town hired a Streetscape Consultant to work on some designs, suggestions, and strategies. The intention was to improve and enhance the existing streetscape. Mr. Dansie explained that the project began with the Planning Commission several years ago. Now, the Streetscape Consultant would work on a Streetscape Plan. An email was sent out requesting community feedback. He noted that a Visual Preference Survey was accessible through that email. On September 1, 2022, there would also be an in-person meeting and walking tour of the downtown area. Mr. Dansie encouraged Springdale residents to attend.

Town Clerk, Darci Carlson, announced that on August 25, 2022, from 4:00 p.m. to 5:30 p.m., the Town would host a public engagement event to share information about the electrical box mural public art project. The project was approved by the Town Council. Artists of all levels were invited to attend. The event would be facilitated by Lanell Dike, who would lead the group in some brainstorming and creative exercises. She asked the Commissioners to spread the word and encouraged residents to participate.

**A. Action Items**

- 1. Public Hearing – Design/Development Review: Clay Lister Requests Approval for a Reconstructed Commercial Building to Allow the Expansion of Oscar's Café, Located at 948 Zion Park Boulevard in the CC (Central Commercial) Zone (Parcel S-55-A).**

Principal Planner, Niall Connolly, reported that Design/Development Review application was for an addition to

Oscar's Café. The restaurant is currently comprised of two separate buildings at 948 Zion Park Boulevard. The proposal was to demolish the building that had frontage on SR-9 and add an addition to the rear building. The addition would create a new entrance to the restaurant from SR-9 and there would be a two-story structure. Staff reviewed the plans for compliance with the Town Code and the conclusions were listed in the Staff Report. However, there were a few points he felt the Commission should consider.

Mr. Connolly explained that the existing restaurant has some non-conforming elements. For instance, the car parking arrangements encroach into the 15-foot setback from Winderland Lane. The previous additions also encroach into the side setback. No changes to the car parking or previous additions were proposed by the applicant. The Town Code allows for additions and alterations on non-conforming properties provided that this does not result in an expansion of existing non-conforming elements. Staff asked the Planning Commission to determine whether the application meets all of the criteria.

Mr. Connolly reported that the plans included two office areas on the second floor. If those areas were converted to dining spaces, the parking requirements would increase. As a result, Staff recommended that a Condition of Approval be applied to ensure that the use remain dedicated to office space. Mr. Connolly informed the Commission that some of the building colors were updated to comply with the Town Code. In the Staff report, he provided some reference colors but the applicant provided some samples as well. Staff recommended that four Conditions of Approval be applied to the application if approved.

Mr. Kenaston asked how many seats the restaurant has currently and how many there would be after the expansion. Holly Holt from Oscar's Café was unsure. She explained that there had been some remodeling of the front when the road was redone with new curb and gutter. It was noted that the Town Code regulated parking based on the dining area and not necessarily the number of seats in the restaurant. Mr. Hyatt disclosed that he works for Oscar's Café. His wife was identified as Ms. Holt. He did not have any financial interest in the application.

Mr. Connolly explained that the Town Code includes information about how non-conforming uses should be handled when there is a proposed addition or renovation. Section 10-21-8 states the following:

- A duplex, multi-family dwelling, or commercial building or structure having non-conforming aspects, but having a use that is conforming, may be altered or added to, with the approval of the Town Council, provided such alteration or addition will not result in an expansion of any existing non-conformities or creation of new non-conformities.

Chair Topham asked if the Town Council would consider the Design/Development Review after the Planning Commission. Mr. Dansie stated that it would be appropriate, based on that section of the Town Code. If the application was approved, he suggested that there be a Condition of Approval that the Town Council would review the non-conforming aspects, as indicated in Section 10-21-8. Mr. Benson had a question about the setbacks being non-conforming. Mr. Connolly reported that the new construction conformed with all of the setbacks. However, some of the previous additions at the rear of the property encroached on some of the side setbacks. Those sections were shown to the Commission. Mr. Connolly reiterated that all new construction would conform. The building at the front of the property would be demolished and the new structure would be an addition to the existing structure. He explained that the newly proposed elements complied with the setbacks.

There were no questions from the public for Staff.

The applicant, Clay Lister from MRW Design, reported that the owner of Oscar's Café asked them to do a new design for the front building. MRW Design inspected the existing building and determined that it was not fit for a remodel. The floors and ceiling were ready to cave in, so the Engineer determined that it was better to demolish the building and construct a new one. Mr. Lister stated that a two-story design was created for the front. It would connect to the existing rear building. It would be brought up to Code and have larger restrooms. Ms. Inghram noted that the layout seemed to show a door that faced SR-9 and another that went out to Winderland Lane. She asked whether customers could use both doors. Ms. Holt explained that because of certain regulations, she could not change the main entrance to the restaurant. The door that would face SR-9 would be a fire exit,

but customers could not enter through that doorway. Mr. Campbell asked if there was a patio on the property. Ms. Holt stated that there was not and there were no plans for one.

There were no questions from the public for the applicant.

**Motion made by Noel Benson to Open the Public Hearing. The Motion was seconded by Pat Campbell.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

Mr. Dansie reported that one public comment in the form of a letter was received prior to the Planning Commission Meeting. That letter expressed concerns about the non-conforming nature of the building.

**Motion made by Pat Campbell to Close the Public Hearing. The Motion was Seconded by Pam Inghram.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

The Commission deliberated. Mr. Kenaston noted that he is a fan of the restaurant but he had concerns about deliveries, traffic, and the lack of parking. He understood that the application was compliant, but he felt that the additional seats created by the addition would increase the existing issues. Despite traffic mitigation solutions, the addition would impact the nearby residential areas. Mr. Benson echoed those concerns. Chair Topham believed that the application highlighted weaknesses in the Town Code that should be addressed in the future. However, the project complies with the current Town Code in terms of the overall design.

Mr. Dansie reported that there was a requirement for developments that were projected to have more than 100 Peak Hour Trips. Those developments need to provide a Traffic Study. He did not know if this specific development would reach that threshold but if the Commission was concerned about traffic, an initial analysis could be requested from the applicant. If it was determined that there would be more than 100 Peak Hour Trips, a Traffic Study could be requested. Chair Topham wondered if that meant tabling the item. Mr. Dansie explained that tabling would only be appropriate if that was the direction the Commission wanted to pursue.

Mr. Campbell asked about the traffic levels on Winderland Lane. Mr. Kenaston reported that there was a lot of congestion in that area, especially on weekends. Mr. Campbell wondered if the Traffic Study would differentiate between general traffic in the area and traffic that specifically related to Oscar's. Mr. Dansie stated that the threshold of 100 Peak Hour Trips needs to be attributable to Oscar's. If a full Traffic Impact Study was required, it would look at the traffic on the road that was attributable to the subject property and how much was attributed to other uses. It would then determine a proportionate share of the applicant's responsibility for traffic improvements and mitigation strategies. He did not know whether the property would meet the threshold of 100 Peak Hour Trips but wanted the Commission to understand all possibilities.

Mr. Dansie reported that some traffic counts were done at the Winderland Lane intersection during Labor Day last year. During the peak times, there were not 100 vehicles turning onto or off of Winderland Lane. There were more trips than that through the intersection but most of the vehicles went straight on SR-9. The 100 Peak Hour Trips threshold was a generally accepted standard for what would trigger a Traffic Impact Study. For a

small town like Springdale, it was unlikely that a lot of developments would meet that standard. Mr. Kenaston pointed out that the Town acknowledged in the past that there are traffic issues in the area. The addition would allow there to be additional seats in the restaurant. He felt the Town needed to acknowledge that this project will add to the traffic levels in the area. The Commission discussed other parking options.

Chair Topham asked the Commissioners if they wanted to see a Traffic Study. Mr. Benson did not believe the location would hit 100 Peak Hour Trips despite the traffic issues in that area. Mr. Dansie stated that he had looked up the previous Traffic Study and the traffic counts. Over Labor Day of 2021, the peak traffic period on that weekend was Sunday from 5:00 p.m. to 6:00 p.m. and there were less than 100 turning moves onto or off of Winderland Lane during that period. Ms. Inghram wondered if it would be possible for the applicant to adjust delivery times or make adjustments to staff parking to alleviate congestion. She understood that the application met all of the requirements but she did not want to create further traffic-related issues. Chair Topham pointed out that Conditions of Approval could be added to the motion language. Mr. Dansie explained that it was possible to make certain suggestions, but he did not believe those traffic mitigation strategies could be added as conditions, since they were not linked to the standards in the Ordinance.

**Motion made by Pam Inghram to Approve the Proposed Design Development Review Permit for a Building Addition at Oscar's Café, located at 948 Zion Park Boulevard, as discussed during the Planning Commission Meeting on August 17, 2022. Currently, the restaurant comprises two separate buildings. The existing building at the front of the site (Facing SR-9) is to be demolished. The new addition will replace this building. It will be attached to the existing building located to the rear of the property (facing Winderland Lane). The design proposal does not create any new non-conformities nor expand existing non-conformities. This Motion was based on the following Findings:**

- 1) **The proposed development meets all the requirements of the Architectural Standards and Design Ordinance.**
- 2) **The proposed development meets all of the requirements of the Landscaping Ordinance.**
- 3) **The proposed development meets all of the requirements of the Color Palette Ordinance.**
- 4) **The proposed development meets all of the requirements of the Outdoor Lighting Ordinance.**
- 5) **The proposed development meets all the requirements of the Central Commercial Zone.**
- 6) **No changes were being proposed for the building where the current restaurant is located. Therefore, the continuance of use of the building and previous additions, per Sections 10-21-4 and 10-21-8, are permitted.**
- 7) **There are no changes in use being proposed for the parking off Winderland Lane. Therefore, a continuance of the use is allowed per Section 10-21-4.**

**Conditions of or Approval Include the Following:**

- 1) **The Town Council must approve the continuance of non-conformance with setbacks.**
- 2) **The second-floor office space to be located in the new addition must not be used as extra dining space unless approved in a future permit application.**
- 3) **The color of the concrete used for the walkway and public benches must be in accordance with the Town's Color Palette Ordinance.**
- 4) **All outdoor lighting must comply with the Town's Outdoor Lighting Ordinance. In particular, light fixtures must be full, cut-off fixtures and the color temperature of**

individual lights must be 3,000 degrees Kelvin, or less. Details of the proposed light fixtures must be submitted to Town Staff prior to the fixtures being installed.

- 5) When planted, all trees must be a minimum size of 10 gallons, five feet in height, one to 1.5 inches in diameter, and have a branch spread of 4 feet.

The Motion was Seconded by Pat Campbell.

Vote on the Motion:

Campbell: Aye;

Inghram: Aye;

Kenaston: Nay;

Benson: Nay;

Topham: Aye.

The motion passed with a vote of 3-to-2.

2. **Public Hearing – Zone Change Request: Andrew Green, Representing the Bit and Spur, Requests a Zone Change from FR (Foothill Residential) to VR (Valley Residential) on a 1.28-acre Portion of Parcel S-161-A-1-A.**

Mr. Dansie reported that the request was to change the zoning of 1.28-acres of property, which was a portion of Parcel S-161-A-1-A. The current zoning is Foothill Residential (“FR”) and the requested zone was Valley Residential (“VR”). The property is located behind the Bit and Spur Restaurant, at 1212 Zion Park Boulevard. The proposal would allow the owners of Bit and Spur to develop either a single-family residence or a duplex. Mr. Dansie noted that the applicants indicated that it was their intent to use that housing for employees of the Bit and Spur. Last year, the Planning Commission approved other housing on the Bit and Spur parcel, which was intended to be used for workforce or employee housing. In addition, transient lodging units on the front of the parcel had been approved. Those projects were moving forward and were independent of the zoning request.

The Planning Commission originally heard about the zone change request in June 2022. At that time, the Commission expressed concerns about the use of the property as employee or workforce housing. Mr. Dansie noted that discussions related to a Workforce Housing Overlay Zone proposal had begun around that time. It included a potential Restrictive Covenant that could be applied to properties used for workforce housing. The Commission tabled review of the zone change in June 2022 to allow those concepts to be developed more fully. Since then, the Commission had extensively spoken about workforce housing but was no closer to adopting a Workforce Housing Overlay Zone than before. However, a template for a Restrictive Covenant had been created. The applicants indicated that they were not interested in the Workforce Housing Overlay Zone but were interested in moving forward with the zone change request proposal. The applicants also indicated that they would be willing to entertain a Restrictive Covenant on the property. The Staff Report contained a drafted Restrictive Covenant that was based on the template previously reviewed by the Commission.

The Town received one public comment letter that expressed opposition to the proposed zone change. Mr. Dansie explained that the author of the letter believed that the Town should not change any zones. The author also felt that even if the zone was changed, workforce housing was not a sufficient justification for that change. The letter noted that the application did not include a Development Plan outlining how the property would be developed. Mr. Dansie reported that the Commission needed to determine whether the zone change proposal met the Town policy for changing zones, which was found in Section 10-3-2 of the Town Code. That section stated that it was the policy of the Town not to make zone changes unless one of three criteria had been met:

- The zone change will more fully promote the objectives and purposes of the Land Use Ordinance and General Plan;
- The zone change will correct a manifest error; and
- The zone change will accommodate substantial changes in conditions.



The Staff Report that was distributed to the Commission contained a reproduction of the Staff Report that was distributed to the Commission in June 2022. The General Plan references in that Staff Report referred to the General Plan that existed at that time. Mr. Dansie explained that in July 2022, the Town Council adopted an updated General Plan. As a result, the General Plan references that the Commission used to evaluate the request should reflect the updated General Plan rather than the previous version of the General Plan.

Ms. Inghram believed a zone change request had been heard in the spring, where the Town Council voted no. It was heard again in June when the item was tabled. Mr. Dansie confirmed this. He explained that there was a zone change request on the property from the FR Zone to Village Commercial (“VC”). The Commission recommended denial of that zone change. The applicant then withdrew that zone change request and made the current zone change request instead, which was for the VR Zone. Ms. Inghram asked about the adjacent parcels that were part of the subdivision. Mr. Dansie reported that those parcels were zoned VC.

There were no questions from the public for Staff.

The applicant, Trish Jennings, was concerned that Springdale will lose the soul of the community. She felt that workforce housing was incredibly important to the Town. This is a small and unique place to live, but more vision was needed. The applicant, Andrew Green, hoped the Commissioners had visited the property since the last Planning Commission Meeting related to the application. He understood that the Commission had been working on a Workforce Housing Overlay Zone and the Restrictive Covenants language. Mr. Green stated that the intention of the zone change was to accommodate more workers in the canyon. He wanted to see workers actually be able to afford to live in the Town. There needed to be a greater amount of socio-economic and cultural diversity. Mr. Green informed the Commission that the property would be deed restricted. A lot of that information had been shared previously.

Ms. Inghram asked if the owners would be willing to add an additional restriction that would limit what is built on the property. Mr. Green confirmed this. He explained that the intention was to build a single-family residence on the property with a guest house. By rezoning to the VR Zone, there was not enough acreage to have two lots. The building envelope was fairly small, so the intention was to have a Restrictive Covenant, and develop in a manner that is consistent with the VR Zone. There was no plan to build anything beyond the single-family residence and guest house. The appearance would be consistent with the Bit and Spur. The drafted version of the Restrictive Covenant was something that the applicants were in support of, but Mr. Green noted that their attorney still needed time to look over it fully. Chair Topham understood that the timeline was important but wondered why the Workforce Housing Overlay Zone was not of interest. Mr. Green clarified that based on what he had seen so far, it did not seem like the Workforce Housing Overlay Zone would be applicable to many pieces of property in Town. There would need to be a surgical approach to every application. What had been suggested with the Restrictive Covenant made sense and would accomplish the same goals.

There were no questions from the public for the applicant.

**Motion made by Tom Kenaston to Open the Public Hearing. The Motion was seconded by Noel Benson.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

*Kathy LaFave* identified herself as a Springdale resident. She stated that this particular section, had it been separated before, would have been zoned VR because it is flat. It is not in the foothills area. Many of the foothill areas are designed to protect the viewshed, but this lot is flat and would be more appropriately zoned if it were the VR Zone. Ms. LaFave was a proponent of affordable housing and felt this was a good opportunity.

*Tracy Dutson* had worked with Ms. LaFave to get Red Hawk done. He applauded the Bit and Spur team for attempting to do something to address housing needs. He encouraged the Commission to support any additional housing units within the community, as they were desperately needed.

*Andrew Green* had spoken to Mr. Zambella, who submitted a letter about the application. There had been a lot of misinformation about the rezone. Mr. Green stated that the Bit and Spur is not deferring impact fees and will subsidize mostly through the transient lodging on the property. He believed this was a wonderful model to move forward. The Bit and Spur was only asking for permission to self-impose deed restrictions and provide employee housing for others in the community. He was supportive of the zone change.

There were no further public comments.

**Motion made by Pat Campbell to Close the Public Hearing. The Motion was seconded by Pam Inghram.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

The Commission deliberated. Mr. Kenaston believed this was a straightforward application because the developer is offering to build deed-restricted employee housing. He did not see any problems with the proposal. Ms. McPartland noted that there were concerns expressed during previous Planning Commission Meetings about rezoning from residential to commercial. The Town did not want to set a precedent that would increase commercial zoning. However, based on the latest application, the property would remain residential. That alleviated a lot of the Commissioners' concerns. Chair Topham was much more comfortable rezoning from a residential zone to a different residential zone, especially since it was being used for a residential purpose. Mr. Hyatt stated that the Restrictive Covenant would achieve what the Workforce Housing Overlay Zone would. This would be 100% workforce housing rather than only a percentage of the units.

Chair Topham believed that the property could have more density but she understood that if the applicants were not interested in that. Commissioners expressed their comfort with the proposed housing configuration. Mr. Kenaston noted that the residents of Gifford Park had not expressed concerns about the application for a single-family dwelling with a guest house. Chair Topham pointed out that the Commission would see a Design/Development Review application in the future. Mr. Campbell discussed the criteria for a zone change.

Ms. Inghram believed that an additional restriction should be added to state that there could not be a future overlay zone or lot line adjustment to change what was approved. If the Commission approved the application, it would be done with the assumption that the property would be either a duplex or single-family home with a guest house. The Restrictive Covenants should specifically state that was all that was permitted on the property. Mr. Kenaston did not agree with that suggestion, because it would create a subzone of sorts. Ms. Inghram did not believe what she was asking for impinged on what the applicant had stated they wanted to do. Discussions were had about what would happen in the future if the applicant decided to rezone to the Workforce Housing Overlay Zone. Ms. Inghram could support the application if it was restricted to what the applicant intended to do. Mr. Kenaston did not believe the Town was giving away value but was creating value by allowing workforce housing in the community. Mr. Kenaston was hesitant to restrict the property too much and create some sort of subzone.

The Commission discussed attainable housing versus workforce housing. Ms. Inghram read the definition of attainable housing, which was as follows: "Attainable housing can be afforded by people earning around the area median income ("AMI")." Affordable housing was subsidized to allow people earning much less than the AMI to buy or rent property. Mr. Kenaston believed the discussion was veering away from the application. The application itself was creating value and adding workforce housing to the Town. It would allow people who

worked in Town to live within Springdale, which would increase the vibrancy and decrease the average resident age. That was supported in the General Plan and had been a goal of the Town for quite some time. He supported the application but believed it needed to be deed restricted. Mr. Hyatt believed the debate was whether the property was appropriate for the Workforce Housing Overlay Zone or a single-family residence. He liked the idea of a single-family residence or a duplex, but he wondered whether the overlay zone would be best. Chair Topham reminded the Commission that each future application would be evaluated individually.

Ms. Inghram explained that she would not want the Commission to approve a single-family home or duplex, and then in the future, it became something else. The more density that was added to that lot, the greater the gift that was given to the property owner. There were potential issues that should be considered. She felt strongly that there should be a restriction that outlined what the owners had previously stated they wanted. Mr. Dansie noted that the application before the Commission was a rezone from the FR Zone to the VR Zone. The owners had agreed to a Restrictive Covenant that would restrict the future use to workforce housing. That was the proposal that needed to be evaluated, rather than considering hypothetical future scenarios.

**Motion made by Tom Kenaston that the Planning Commission recommend approval of the proposed zone change from FR (Foothill Residential) to VR (Valley Residential) on a 1.28-acre portion of Parcel S-161-A-1-A as presented in the applicant's submittal. The Motion was based on the following findings:**

- 1) **The subject property is largely shielded from the SR-9 view corridor. It is therefore compatible with the Springdale Land Use Goals in the General Plan, specifically, Sub-Goal B and Sub-Goal C. These Sub-Goals seek to minimize visual impacts and provide more attainable housing options for members of the community.**
- 2) **Given the range of potential allowable development on the parcel under the VR (Valley Residential) Zone, any future development on the property will have a minimal impact on the surrounding property owners, nor will it create an unsustainable level of development in the Town.**
- 3) **The requested zone change will promote the Housing Goals in the General Plan (Sub-Goal B) by providing more long-term deed-restricted housing in the community.**
- 4) **For the reasons stated above, the requested zone change will more fully promote the objectives and purposes of the Land Use Ordinance and the General Plan. Therefore, the criteria required by Section 10-3-2(A) of the Town Code have been met.**

**Conditions for Approval Include the Following:**

- 1) **The applicant must provide proof of ownership of this 1.28-acre parcel.**
- 2) **The applicant will be required to encumber the property using a Restrictive Covenant that has been created specifically for this parcel. This Workforce Housing Restrictive Covenant will restrict 100% of all housing on the property in perpetuity and shall run with the land. Therefore, all units developed on this parcel must be workforce housing and occupied by Qualified Households.**
- 3) **This Restrictive Covenant must be accomplished prior to or concurrently with the requested zone change from FR (Foothill Residential) to VR (Valley Residential).**

**The Motion was seconded by Noel Benson.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**



**Benson: Aye; and**  
**Topham: Aye.**  
**The Motion Passed Unanimously.**

- 3. Public Hearing - Zone Change Request: Kathy LaFave, Representing the Worthington Gallery, Requests a Zone Change on Parcels S-4-A-3 and S-4-A-5 (789 Zion Park Boulevard) from Central Commercial to Central Commercial - Transient Lodging Overlay to Allow the Development of Type 2 Transient Lodging on the Property with a Total of Four Transient Lodging Units.**

Mr. Dansie reported that the above request was to apply the Transient Lodging Overlay Zone to the Worthington Gallery property, which is located at 789 Zion Park Boulevard. The property is currently in the Central Commercial Zone. The Town Council adopted the Transient Lodging Overlay Zone in July 2022 and this was the first application the Town had received and reviewed for that new overlay zone. Mr. Dansie shared a brief overview of the Transient Lodging Overlay Zone with the Commission. The Transient Lodging Overlay Zone classified lodging under two types, which were as follows:

- Hotel Style Lodging (Type 1); and
- Short-Term Rental Style Lodging (Type 2).

The proposal was to develop Type 2, or short-term rental style lodging, on the back of the Worthington Gallery. The gallery would remain the same, but the proposal was to add two new buildings to the rear of the property. Each would contain two, one-bedroom rental units. That would result in a total of four transient lodging units on the property. The Transient Lodging Overlay Zone contained a number of requirements that Type 2 transient lodging needed to meet. Mr. Dansie asked that the Commission review those requirements against the application to determine that all requirements were met. The Staff Report provided a summary and outline of those requirements as well as an analysis. Based on the analysis, it appeared that the proposal could meet all of those standards, but the Commission may wish to discuss the impact of the proposed lodging on the parcel to the east. The Transient Lodging Overlay Zone mentioned impacts on residential properties. Currently, all of the properties bordering the subject property are zoned commercial, so there were no residentially zoned properties adjacent to the proposed use. However, the property to the east is currently used as a single-family residence. Some of the standards that applied to Type 2 transient lodging had to do with screening and buffering the use from residential. The applicant was aware of those standards and was prepared to address those with the Commission.

In addition to the standards of the Transient Lodging Overlay Zone, the Commission also needed to determine whether the application complied with the Town's general zone change policy. Section 10-3-2 of the Town Code stated that the Town did not change the zone unless one of three criteria had been met:

- The zone change will more fully promote the objectives and purposes of the Land Use Ordinance and General Plan;
- The zone change will correct a manifest error; and
- The zone change will accommodate substantial changes in conditions.

Mr. Dansie reiterated that the Commission needs to determine whether the application meets the standards of the Transient Lodging Overlay Zone and if it satisfies the zone change policy. One public comment letter was received, which was in opposition to the zone change. This was not necessarily due to the nature of the proposal, but due to concerns about the Transient Lodging Overlay Zone. The comment letter indicated that eight months ago, the application could have been approved as a permitted use, but with the Transient Lodging Overlay Zone, it now required a zone change. The author of the letter disagreed with the impact of the new Transient Lodging Overlay Zone.

Mr. Benson asked how the current square footage of the retail space was determined. Mr. Dansie shared the Staff Report and explained that the total square footage would be something to clarify with the applicant. For Type 2 transient lodging, with one to five units, the minimum required mixed-use component was 800 square feet. Even at 1,400 square feet, the property has sufficient mixed-use to meet the standards of the Ordinance. He noted that the Commission could confirm the total amount of mixed-used square footage on the property with the applicant. Chair Topham wondered if the open-air display should count as well since that was also some of the retail space. Mr. Dansie clarified that square footage meant the area enclosed by a building. With restaurants, that could also include outdoor dining.

The Commission reviewed a map of the property. Mr. Dansie identified a portion of the existing building that was constructed approximately 12 years ago. At that time, the Ordinance allowed the setback on narrow lots, which were less than 100 feet in width, to be reduced to 0 feet. When the building was constructed, that building was in compliance with the side setback. That provision had since been removed from the Town Code and is now a non-conforming building. Mr. Benson asked about the relocation of the power lines. Mr. Dansie confirmed that they would need to be relocated underground. The applicant could share additional details about the buried power lines and the conversations with neighbors.

There were no questions from the public for Staff.

The applicant, Kathy LaFave, was representing Worthington Gallery and is one of the gallery managers. The proposed cottages will be managed by her as well. There was a proposal to do a Phase II when the original addition was done but this was a slightly different concept. Ms. LaFave reported that the request was to add two cottages at the back of the building. Each footprint was 700 square feet for the building itself, with porches and patios that extend beyond that. Those were shown on the submitted drawings. She met with the Fire Marshal and accommodations were made to ensure that the fire truck could back into the area. Materials such as paver bricks could be used to accommodate the landscaping requirement of a 10-foot setback. The Fire District was comfortable with the proposal. Ms. LaFave had also spoken with the neighboring property to the east. Brad Alford was the person who was currently looking after that home. It was originally occupied by his aunt, who was now in a care facility. He was the heir to the property and they had discussed the power lines being relocated underground. The neighboring property owners were thrilled with the idea of underground power lines. The Worthington Gallery would pay for all of the trenching and for the lines to be run. An easement would be required to do the work and the gallery would work with the power company to accomplish that.

Ms. LaFave and Mr. Alford had also discussed a fence between the cottage that was closest to his property. Currently, there is a lot of shrubbery and another fence that runs along a portion of the property. Mr. Alford commented that he did not necessarily feel that a screened fence was needed. Ms. LaFave stated that one of the entrances will face the residential property. However, it faces a shed on the back of his property and is some distance from any windows on the structure. She offered to meet with Mr. Alford on-site previously when the Design/Development Review was brought to the Planning Commission. Any measures he wanted the Worthington Gallery to take in terms of screening, the gallery would be willing to accommodate.

The idea behind the cottages stemmed from Phase II which when initially planned was going to be an art school. Ms. LaFave had been involved with the arts for a long time and art schools are difficult to fund. She had spoken to the owner of the gallery and suggested that artist cottages could be a good alternative. This would allow artists to visit the Town and paint. The cottages could also be rented. She believed the cottages would add to what the Worthington Gallery already offers the community. It allows residents and visitors a place to enjoy art. Ms. LaFave clarified previous Commission questions and stated that the retail space, not including any offices or storage spaces, is 1,721 square feet in size. She believed that the porch added to the square footage of retail space but not the outside open air.

Before the creation of the Transient Lodging Overlay Zone, this would have been an application for a Conditional Use Permit. She commended the Town for making the changes and felt it was beneficial for the Town. The Worthington Gallery would be a wonderful place for this type of lodging because it would create a unique, attractive, and memorable experience for those who chose to stay in Springdale. Ms. LaFave reported that there would be a limit of two visitors per lodging unit. They were one-bedroom units and the gallery did not plan to have beds that folded out in the living room. There were currently storage buildings that ran along the back end of the property. That area would be cleaned up if the application was approved. There would be garden spaces added to the back of the property as well. The storage would be moved to a single unit structure and the garbage dumpster would be screened.

Mr. Benson asked about the difference in elevation from the street to the proposed buildings. Ms. LaFave was not certain. If there were concerns about drainage issues, there would be a Drainage Study done when the Worthington Gallery was at the Design/Development Review stage of the application. Mr. Dansie reported that there was a difference of six feet between the street and the proposed buildings. Mr. Benson wondered what the height of the buildings would be. Ms. LaFave did not know for sure but assured the Commission that the heights would be under what was permitted in the zone.

There were no questions from the public for the applicant.

**Motion made by Noel Benson to Open the Public Hearing. The Motion was seconded by Tom Kenaston.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

*Andy Green* understood that the new Transient Lodging Overlay Zone was attempting to address concerns and issues related to development. He felt this application was a wonderful opportunity for people who had been part of the community for a long time to create artist-friendly lodging in the Town.

*Alex Pelton* stated that he had known Ms. LaFave since she moved to Springdale and she had a proven track record of running successful businesses that supported the Town. She had been an active part of the community and he believed this application was a good first use of the new Transient Lodging Overlay Zone. He expressed his support for the zone change application.

There were no further public comments.

**Motion made by Pat Campbell to Close the Public Hearing. The Motion was seconded by Pam Inghram.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

**Kenaston: Aye;**

**Benson: Aye; and**

**Topham: Aye.**

**The Motion Passed Unanimously.**

The Commission deliberated. Chair Topham echoed the public comments and agreed that this was an application that would add something unique and desirable to the community. She supported the

application and felt that it met the requirements of the Transient Lodging Overlay Zone. Ms. McPartland noted that this felt different than some of the transient lodging that had been seen before. The art community was part of what made Springdale stand out from other towns. She understood the lodging use. Mr. Kenaston stated that the use would support the Town's goal of supporting the arts in the community. Mr. Benson liked the idea of appropriate fencing. Chair Topham worried that too much fencing could impact the wildlife. She wanted to see a balance between fenced areas and open areas. It was determined that the fencing requirements would be discussed further during the Design/Development Review process.

**Motion made by Noel Benson that the Planning Commission recommend approval of the proposed zone change from Central Commercial to Central Commercial - Transient Lodging Overlay on Parcels S-4-A-3 and S-4-A-4 as presented in the applicant's submittal. This Motion was based on the following Findings:**

- 1) **This project can meet all the requirements for the Transient Lodging Overlay.**
- 2) **This proposal meets the General Plan, Economic Development Sub-Goal A: The Town should look for ways to enhance and encourage independent small businesses that are unique to Springdale.**
- 3) **Section 10-3-2(A) of the Town Code establishes the Town's policy regarding zone change requests. According to this section of code, the Town's general policy is to not change the zone of properties, except when one of the following three criteria has been met:**
  - a. **The zone change will more fully promote the objectives and purposes of the land use ordinance and General Plan.**
  - b. **The zone change will correct a manifest error.**
  - c. **The zone change will accommodate substantial changes in conditions.**

**Only due to the size and scope of this project, view impact, neighborhood impact, and Town impact can this application meet Option #1 for a zone change.**

**Conditions for Approval Include the Following:**

- 1) **The project must meet all the requirements for the Transient Lodging Ordinance and with specific regard to the General Plan, Land Use Sub Goal G: New transient lodging facilities should promote the Town's "in the Park" feel, small village scale, and unique atmosphere. They should be attractive, memorable, and unique. They should complement a visitor's experience in Zion Canyon and Zion National Park.**
- 2) **The project must meet the criteria for zone change laid out in 10-3-2(A) #1 as previously mentioned in Finding #3.**

**The Motion was seconded by Tom Kenaston.**

**Vote on the Motion:**

**Campbell: Aye;**

**Inghram: Aye;**

Kenaston: Aye;  
Benson: Aye; and  
Topham: Aye.  
The Motion Passed Unanimously.

**B. Consent Agenda**

1. **Approval of Minutes from July 20<sup>th</sup> and August 3<sup>rd</sup>, 2022.**

Motion made by Tom Kenaston to Approve the Minutes from the July 20<sup>th</sup>, 2022, and August 3<sup>rd</sup>, 2022, Planning Commission Meetings. The Motion was seconded by Pat Campbell.

Vote on the Motion:  
Campbell: Aye;  
Inghram: Aye;  
Kenaston: Aye;  
Benson: Aye; and  
Topham: Aye.  
The Motion Passed Unanimously.

**C. Adjourn.**

Motion Made by Noel Benson to Adjourn at 7:09 p.m. The Motion was seconded by Tom Kenaston.

Vote on the Motion:  
Campbell: Aye;  
Inghram: Aye;  
Kenaston: Aye;  
Benson: Aye; and  
Topham: Aye.  
The Motion Passed Unanimously.

\_\_\_\_\_  
Darci Carlson, Town Clerk

**APPROVAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or via email at [springdale@springdale.utah.gov](mailto:springdale@springdale.utah.gov) for more information.