



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY AUGUST 18, 2021 AT 5:00 PM**

AT THE CANYON COMMUNITY CENTER, 126 LION BLVD, SPRINGDALE, UT 84767.

Meeting convened at 5:00 pm.

MEMBERS PRESENT: Chair Barbara Bruno, Commissioners Ric Rioux, Jack Burns, Dawn McComb, Kyla Topham, and Noel Benson, and Susan McPartland from Zion National Park

REMOTE ATTENDANCE: Tom Kenaston

ALSO PRESENT: Director of Community Development Thomas Dansie, Planning Technician Shelly Heaton, Town Clerk Darci Carlson, Deputy Clerk Aren Emerson, and Katy Brown recording. See attached sheet for attendees known to have signed into the electronic meeting.

Approval of the Agenda: Motion made by Ric Rioux to approve the agenda. Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie welcomed Shelly Heaton as the new Planning Technician. Shelly had previously served the Town as a Parking Enforcement Officer.

A. Action Items

1. Public Hearing: Public Hearing - Conditional Use Permit: 13-unit transient lodging development at 1200 Zion Park Boulevard (Frontier Plunder) – Ryan Lee: Through a previous Conditional Use Permit (CUP) issued on the property, three transient lodging units were currently allowed. The request before the Commission was to increase the number of approved lodging units from three to 13. Conditional Uses were types of uses that were typically allowed in a given zone, but because of their nature, held more potential to impact adjacent neighbors or the Town. The Planning Commission would need to evaluate whether the proposed use and its impacts would be appropriate in the location. There were certain standards in the ordinance that the proposal would need to conform to. If the proposed use could meet the established standards, or could meet the standards if reasonable conditions were imposed, the Town was obligated to grant the CUP. If the proposed use had impacts such that the standards in the ordinance could not be met, and there were no reasonable conditions that could be imposed on the use so the standards could be met, the Town should deny the CUP request.

The staff report contained a list of the standards in the ordinance, along with information from the applicant about the project's compliance with each of those standards. The Commission had also received a number of public comment letters from surrounding neighbors expressing concern with the potential impacts of the proposed use. The Commission should use the staff report and the public comments to make a determination on whether the standards in the ordinance had been met, or if there were conditions that could be imposed on the use, such that the standards would be met. The Commission would then need to make a recommendation to the Council for approval or denial of the CUP.

Commission Questions to Staff: Ms. Bruno asked if the existing approved three transient lodging units would still remain if the new proposal ended up being recommended for denial. She also asked if the Commission, in evaluating the proposed use for additional lodging units, would be implicitly approving the design that was also presented in the CUP application.

- The three units that had been approved previously through a CUP would not be affected by the outcome of the current proposal. The three units were subject to the definition of 'transient lodging unit' in the ordinance as it was written at the time, and would not be subject to the new definition contained in the ordinance that was recently approved. The Commission would be considering the *use* of the property for 13 transient lodging units. As part of the application, the applicant had submitted a development plan which demonstrated how the units could be deployed on the property, but the actual design review would happen at later time.

Ms. Bruno asked how many units the proposal would contain if the application fell under the new definition of how 'transient lodging units' were calculated.

- The 13 units proposed in the CUP application were to be evaluated according to the ordinance in place at the time of submission in June of 2021. If it were being evaluated under the new ordinance that had recently been passed, the 13 units would actually be considered 26 units.

Mr. Benson asked if the design concept presented in the CUP application should have any bearing in the Commission's evaluation of the proposed use.

- Mr. Dansie clarified that the Planning Commission would not be approving the design at this time, but the Commission was free to evaluate the design in terms of the potential impacts that could come from the conceptual information presented.

Mr. Benson was concerned about the proposed location of the pool in terms of setback requirements. He pointed to 10-7A-4F(1) and the standards for 'recreational facilities,' which, in his opinion, included commercial pools. He was worried about the location of the pool in relation to the adjacent properties.

- Mr. Dansie read the definition for 'Recreational Facility' and ventured that the intent of the standards was for recreational facilities as a primary use, rather than an accessory use in conjunction with another permitted use. The Commission could discuss further if they wanted to impose additional setback requirements.

Mr. Burns asked Mr. Dansie to read the objective of the Village Commercial (VC) Zone to set up a foundation for the purpose of the zone:

10-11B-1: The Village Commercial (VC) Zone is established to provide areas in the Town where low impact commercial and service uses may be harmoniously integrated with low- and medium-density residential uses and preserve a village scale in the development thereof. Serving as a buffer area between the low-density VR and FR Zones and the higher density CC Zone, this zone is intended to allow for a lower density of buildings and structures and a lesser impact from noise, lighting and activity levels than those normally associated with commercial development. It is also intended to ensure buildings with a residential character and scale, a feeling of open space around buildings and preservation of public views of the area's natural and scenic beauty. (Ord. 12-000, 12-28-1992)

Ms. Topham asked if a 10-ft fence that some public comment letters had called for would be allowed under the current code.

- Currently, the maximum height could be 8-ft if located in between a commercial and residential zone, but a 10-ft fence would not be allowed under the current code.

Public Questions to Staff: Ron Reber introduced himself as a resident and homeowner in Gifford Park. His property was directly adjacent to the proposed project. He asked if Mr. Lee owned the subject property.

- Mr. Lee's LLC was the registered owner of record of the subject property.

Presentation from applicant: Mr. Lee said the proposal was for 13 transient lodging units which included a central common area and a pool.

Commission Questions to Applicant: Mr. Burns asked when development would begin, if approved.

- Mr. Lee hoped to begin construction within the next year.
- Mr. Dansie clarified that construction would need to begin within one year from the time of approval.

Ms. McPartland asked if there were any plans for a retail component at the location.

- Mr. Lee did not have any retail components in the development plan.

Mr. Benson asked if basements would be included.

- All units would have basements. Some would be primarily used for storage, some would be used for fitness equipment, and all would have plumbing installed. The building heights would be close to the maximum height allowed at 26-ft.

Ms. Topham asked if there would be balconies facing the residential side of the property.

- Mr. Lee said that from his recollection of the plans, all entrances would be located in the central courtyard and all balcony locations would face toward the central courtyard.

Mr. Burns asked why the approval from Harriett Callahan (the previous owner) was included if Mr. Lee owned the property.

- The application was submitted prior to his assumption of ownership of the property.

Questions by the public to the Applicant: Elizabeth Cutler asked if the pool would have noisy jets like the Hampton.

- Mr. Lee replied that the pool would be similar to the pool currently being constructed at the LaFave rentals. He encouraged her to take a look at that pool area to get an idea on noise levels.

Ron Reber was concerned about his quality of life and noise impacts from guests. At the time of the original approval for three units at the Frontier Plunder property, the Gifford Park residents agreed that because of the trees and vegetation that existed then, they would not require a fence or wall to shield the transient lodging activity. Since then, he estimated that 90 % of the vegetation had perished. He asked if Mr. Lee would be amenable to building a fence between his property and Gifford Park. He also asked if it was common in Springdale to permit commercial developments as close as 40-ft from a residential home.

- Mr. Lee was happy to include a fence and plant vegetation to help buffer noise for added privacy.
- Mr. Dansie replied that there were quite a few instances in Town where residential homes were in close proximity to commercial developments.

Mr. Reber was also concerned about lights and noise from the parking lot.

- Mr. Lee pointed to the location of the parking lot on the plans, which would be located on the front of the property bordering SR-9 and far away from the residences in Gifford Park. He urged the residents to visit the LaFave rentals to evaluate noise. To his knowledge, there had never been a single noise complaint from the transient lodging use on the property.

Ms. Cutler asked if Mr. Lee would consider windows and coverings that would not negatively impact the night sky.

- He was open to the considerations expressed up by Ms. Cutler. His goal was to promote a good experience for both neighbors and guests alike.

Motion made by Ric Rioux to open the Public Hearing: Seconded by Dawn McComb.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Public Comment: No comments were made.

Motion to close the Public Hearing made by Dawn McComb, seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Commission Deliberation: Mr. Benson didn't believe the distance from the proposed location of the pool to the neighboring residences was adequate for privacy and noise concerns.

Ms. Bruno noted that the request for a 10-ft. fence from some residents who submitted public comments would not be possible under the current ordinance. Regardless of fence height, it would be hard to shield a two-story building and its impacts. She expressed concerns about privacy for Gifford Park residents.

Ms. McComb asked what the distance was between the pool and the Gifford Park properties.

- From the pool to the north property line was 76-ft, and 115-ft from the pool to the northwest property line. The closest lot to the pool would be lot #1, which was a distance of 131-ft from the pool.

Mr. Burns didn't feel that the proposal met the objectives of 10-11-B, Village Commercial Zone, in delivering commercial development that had a low impact. He felt the proposal was very similar to the development at LaFave, which was an example of high-density development that failed to promote the Town's small village character. Increasing the number of transient lodging units from three to 13 constituted a 330% increase, and presented a significant impact for adjacent property owners and residents to absorb. If the proposal was subject to the recently approved ordinance, the increase from three to 26 units would constitute a 776% increase. He believed the proposal was for high-density development in a zone that was not meant for that. The development plans illustrated a use that was not

in compliance with the underlying zone. The residents of Gifford Park were warranted in their concerns for their quality of life if the project was approved.

Mr. Rioux felt that another notable element of the proposal was the 30+ parking stalls that would be added to SR-9 corridor. He was not sure how a high-density development that included a large parking lot on the main road fit the General Plan's call for village character. The spirit of the VC zone was lower-density, but what he saw was a proposal that would maximize as much space as possible for high-density commercial use.

Ms. Bruno was also concerned with the density that was being presented. The proposal would be more in-keeping with the VC zone if the units could be articulated in a single-story design.

Ms. McComb felt it would be necessary to add vegetative screening between the parking lot and SR9. She appreciated the overall design of the pool area and the applicant's desire to preserve mature trees on the property.

Mr. Benson voiced concern that the applicant could further maximize density depending on the how the basement spaces would be used.

Ms. Bruno noted that since the proposal was vested in the previous iteration of the ordinance, the Commission could not evaluate potential impacts based on 26 units, and had to consider the proposal as 13 units.

- The Commission was free to evaluate the *impacts* of the 26 bedrooms in terms of traffic and other impacts, but they could not base their final decision on the new ordinance which recalculated how transient lodging units were counted. The application had to be evaluated based on the old definition that was in place at the time the application was submitted.

Ms. McPartland looked at the proposal in terms of the guiding principles in the General Plan regarding village scale and village character. She had done a cursory analysis of the number of proposals for transient lodging facilities she had reviewed in her time on the Commission versus other types of commercial development. She was trying to take a cumulative view of what portion of Springdale was dedicated specifically to transient lodging uses and wanted the Commission to consider what that communicated about Springdale's character. She felt that transient lodging uses tended to focus strictly on rooms for tourists and she hadn't seen much interest from developers in offering retail components that could serve locals residents. She understood that a gateway community like Springdale would have a large share of rooms to serve the tourism economy, but she wondered at what point the larger character of the community was being impacted when there was more of a preponderance for transient lodging than other aspects that could positively contribute to community character.

Mr. Burns wouldn't have the same concerns of high-density with the proposed use if the parcel was located in the Central Commercial zone. While he commended the developer for listening to the Commission in previous discussions to make the LaFave development look more cohesive, he still felt that the footprint of the proposed development essentially maximized revenue-generating uses. That approach would be appropriate in the CC zone, but was not suitable for the VC zone.

Motion made by Jack Burns that the Planning Commission recommends denial of the conditional use permit for a 13-unit transient lodging facility at 1200 Zion Park Boulevard. This motion is based on the following findings: 1) Non-compliance with 10-3A-4-B: GENERAL STANDARDS: The proposed use shall not unreasonably interfere with the lawful use of surrounding properties. 2) The town received three public comment letters voicing concerns related to loss of current living conditions related to natural quiet, dark environment, privacy, excessive noise, lighting, and traffic. There are also concerns the impacts of this development have not been fully analyzed. 3) The applicant proposes an increase from three transient lodging units to 13, a 333 percent increase. The maximum allowable (based on the time of application) of 26 units would be a 767 percent increase. The Planning Commission finds the significant increase in commercial development proposed would unreasonably interfere with the lawful use of residential property to the North of the subject property. Seconded by Dawn McComb.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb Aye

Motion passed unanimously.

2. Public Hearing - Amended Subdivision Plat: Revisions to the boundaries of Lot 14 in the Gifford Park Subdivision – R James and Elizabeth Cutler: The applicant had indicated that the amendment would make development more feasible due to natural constraints on the property. The Commission would take action on the plat amendment, but in order for the amendment to be effectuated and recorded, the Gifford Park HOA would also have to approve and sign the plat amendment.

Commission Questions to Staff: None were asked.

Public Questions to Staff: None were asked.

Presentation from the applicant: Elizabeth Cutler stated that the request was so they could set the house on the lot in a different configuration to ensure that the entrance faced the street. The specs on the house would not change, just the configuration of the house's footprint on the lot.

Commission Questions to Applicant: Mr. Rioux asked if the Cutler's had approached the Gifford Park HOA with the request.

- Ms. Cutler replied that she had not and apologized for missing that step. She would make sure to do so in the future.

Questions by the public to the Applicant: None were asked.

Motion made by Jack Burns to open the Public Hearing: Seconded by Dawn McComb.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Public Comment: Mr. Reber was involved with the Gifford Park HOA and he personally didn't see an issue with the request.

Motion to close the Public Hearing made by Kyla Topham, seconded by Ric Rioux.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Commission Deliberation: Ms. Bruno did not see any issues with the amendment but did feel it was important for the applicant to work with the HOA.

Mr. Benson mentioned that there had been a few other plat amendments in the subdivision and most had been to improve streetscape for better lot configuration.

Motion made by Ric Rioux that the Planning Commission recommends approval, subject to approval by the Gifford Park HOA, based on 10-14-13A, Vacating or Changing a Plat, and the signatures of each owner serves as consent to the petition. Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb Aye

Motion passed unanimously.

3. Public Hearing - Design / Development Review: Addition of a laundry building at the Driftwood

Lodge, 1515 Zion Park Boulevard – Hans Dunzinger: The proposal was to add a laundry building to the Driftwood lodge located at the Southwest corner of the property which was currently an open pasture area. The proposal met the development standards in the VC, but the applicant would need to demonstrate that at least 60% of the property would be retained as natural open space or landscape. The applicant would also need to offer clarification on the parking lot lighting plan and potentially provide a lumen analysis if requested by the Commission.

Commission Questions to Staff: Mr. Benson asked what the zoning was on the properties adjacent to the side of the parcel where the structure would be built.

- The structure would be adjacent to properties that also fell in the VC zone.

Public Questions to Staff: None were asked.

Applicant Presentation: Mr. Dunzinger said the current laundry facility was a 400-sq. ft. room in the basement and he wanted to provide better working conditions for his employees.

Commission Questions to Applicant: Ms. McPartland asked who would use the laundry facility.

- The facility would be used solely by the housekeeping staff and was not intended to be an amenity for guests.

Mr. Benson asked if the lights would be turned off when the housekeeping staff was not in the facility.

- Mr. Dunzinger responded that the lights would be turned off when not in operation.

Ms. Bruno asked about any additional lighting planned for the parking lot.

- Mr. Dunzinger replied that the proposal was to add one parking lot lighting fixture measured at 13,000 lumens for better security. Staff had recommended to the Commission that they might want to require him to submit a full property lumen analysis in order to ensure compliance with lighting standards.

Questions by the public to the Applicant: None were asked.

Motion made by Dawn McComb to open the Public Hearing: Seconded by Ric Rioux.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Public Comment: No comments were made.

Motion to close the Public Hearing made by Dawn McComb, seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Commission Deliberation: Ms. McComb commended the applicant for being concerned about working conditions for his employees and natural lighting.

Motion made by Kyla Topham that the Planning Commission approves the proposed DDR for the new laundry facility at 1515 Zion Park Boulevard as presented in the application. This motion is based on the following findings: The proposed building meets all Land Use requirements for Village Commercial Zone. This approval is based on the following conditions: 1) The Applicant must demonstrate that at least 60% of land will remain open space or landscaped after the proposed development. 2) The applicant must verify if there will be parking lot lighting. If so, the parking lot lighting must be compliant with the Town outdoor lighting including the lumen cap.
Seconded by Ric Rioux.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb Aye

Motion passed unanimously.

Mr. Dunzinger noted that even with the addition of the laundry facility, the property would still be 68% open space.

4. Public Hearing - Ordinance Revision: Changes to the regulations for Accessory Dwelling Units, impacting section 10-22-15 of the Springdale Town Code: The Commission had been working on the revisions for a while following new state legislation that affected Springdale's regulation of both internal and external accessory dwelling units.

Commission Questions to Staff: Ms. Bruno asked if state law required the property owner to live in the main unit of an ADU.

- Utah state law said that an Accessory Dwelling Unit was an accessory structure, or a portion of a main structure, that was occupied by a tenant, where the owner of the property occupied the main residence.
- Ms. Bruno suggested adding language clarifying that the owner of the property must occupy either the main structure or the ADU. The Commission agreed.

Public Questions to Staff: None were asked.

Motion made by Kyla Topham to open the Public Hearing: Seconded by Dawn McComb.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Public Comment: No Comments.

Motion to close the Public Hearing made by Ric Rioux, seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

Commission Deliberation: Mr. Burns was unsure of the necessity of limiting ADUs to 1,000-sq. ft. and wondered if that was dictated by state law.

- The limit was not a state requirement. Springdale standards previously limited both external and internal ADUs to 1,000 sq. ft. The new state law prohibited Springdale from regulating the size of *internal* ADUs, so the 1,000-sq.ft. limit would only apply to external ADUs.
- Mr. Burns had long been a proponent of using ADU regulation as a way to address the lack of attainable housing in Springdale. He thought it was possible to promote more housing stock via strategic standards on how ADUs were used, but he felt that setting a 1,000-sq. ft. limit was too restrictive for external ADUs. It would be hard for a small family to live in a home that was 1,000-sq. ft. or less.

Ms. Bruno suggested limiting the maximum size to 1500-sq. ft. as a compromise. The Commission agreed. They would continue to discuss if covered patios and garages would be included in total square footage in subsequent work meetings.

Motion made by Dawn McComb that the Planning Commission recommends that the Town Council revise Section 10-22-15 of the Town Code regarding accessory dwelling units as shown in the proposed ordinance language. This motion is based on the following findings: The ordinance has defined what constitutes an Accessory Dwelling Unit as well as how an Accessory Dwelling Unit can be used. These terms define the permit that is required to be obtained prior to the use of an ADU and these terms bring the Town into compliance with the state mandate on the use and permitting of Accessory Dwelling Units. This is dependent on changing the official verbiage to allow the primary residents to occupy either the ADU or the main dwelling and to change the size of the ADU to 1500-sq. ft. as well as changing the verbiage to remove "internal" from section F. Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb Aye

Motion passed unanimously.

B. Consent Agenda

Motion to approve the meetings minutes July 21st and August 4th made by Kyla Topham. Seconded by Dawn McComb.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.

C. Adjourn

Motion to adjourn at 6:42 pm made by Dawn McComb Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

McComb: Aye

Motion passed unanimously.



Katy Brown, Attending Clerk

APPROVAL: _____

Barbara Bruno

DATE: _____

9-15-21

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 for more information.



Approved Minutes of the August 18, 2021 Planning Commission Work Meeting



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting PLANNING COMMISSION MEETING Date 8/18/21

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

Irish Rioux
Name (please print)

Tom Kenaston
Name (please print)

Harriet Callahan
Name (please print)

Redhawk HOA
Name (please print)

POW REBER
Name (please print)

Patricia
Name (please print)

Elizabeth Cutler
Name (please print)

Mark Chambers
Name (please print)

RYAN LEE
Name (please print)

Kris
Name (please print)

HANS DUNZINGER
Name (please print)

Leslie Smith
Name (please print)

Alex Pelton
Name (please print)

Kris B
Name (please print)

Name (please print)

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