



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON WEDNESDAY  
SEPTEMBER 15, 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, Tom Kenaston, Kyla Topham, Noel Benson, Pam Inghram, and Susan McPartland from Zion National Park.

**ALSO PRESENT:** Director of Community Development Thomas Dansie, Town Clerk Darci Carlson, and Deputy Clerk Aren Emerson 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 Jack Burns.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion Passed unanimously.**

**Commission discussion and announcements:** Ms. Bruno welcomed Pam Inghram as the new Planning Commission alternate, and announced that Kyla Topham became a voting member.

**A. Action Items**

**1. Public Hearing – Ordinance Revision: Changes to section 10-22-6 related to home occupation permits.**

Home occupations were a limited conduct of business from a residential dwelling. The proposed ordinance revisions would: clarify the notice procedures associated with home occupations; remove the allowance to conduct a home occupation from an accessory structure; define customer visits to the home; clarify that the outdoor storage of inventory associated with the home occupation was not permitted; and; clarify that the rental of goods in association with a home occupation permit was prohibited.

**Commission Questions to Staff:** None were asked.

**Public Questions to Staff:** None were asked.

**Motion made by Kyla Topham to open the Public Hearing: Seconded by Tom Kenaston.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Public Comment:**

Mark Chambers expressed his support in not having rental equipment outside of home occupation buildings, and commended the Commissioners for that revision.

**Motion to close the Public Hearing made by Tom Kenaston, seconded by Jack Burns.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Planning Commission deliberation**

The Commission discussed that the addition of the definition of 'customer visits' would eliminate the potential inflation of parking. They discussed that the requirement of parking permits applied to commercial use, rather than a home occupation permit, and that a driveway would be sufficient for the revision of limiting five customers per day.

Ms. Bruno stated that the Commission had previously decided to give notices to residents within 600 feet of the affected area, rather than the 300 feet that was in the staff report.

Mr. Kenaston suggested removing the plural word 'structures' since the proposed changes eliminated the option to conduct a home occupation from an accessory dwelling in paragraph E1.

Ms. Bruno explained that the production of artwork could have been in a separate structure, but all purchases, sales, and displays would be required to take place at the primary dwelling.

Ms. Inghram suggested clarifying whether paragraph E9 was referring to the interior or exterior of the home.

**Motion made by Kyla Topham that the Planning Commission recommend the Town Council revise 10-22-6 of the Town code referring to home occupations. This recommendation is based on the following findings. limiting business usage in the residential zones provides neighborhood character and that it allows for limited business operations by residents. The following amendments were made in section C. increase the area to 600 feet for notifications and mailings of home occupations near you. and section E9 adding the clarification that you may not display goods on the outside of your home. Seconded by Ric Rioux.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**2. Public Hearing – Ordinance Revision: Changes to section 10-22-7 related to open air displays on commercial properties.**

The Town Council had asked Commissioners to identify revisions so regulations were consistently applied throughout different properties. As a result, the Commission proposed the following changes to the open air display requirements: the required setback distance would be four feet from the public sidewalk, or ten feet from the road if there was no public sidewalk; all open air displays were proposed to be limited to 1,000 square feet in area; the revisions prohibited the leasing of open air display space on one property to another business that is not operating within the business; and lastly, the changes allow the open air display to be revoked if it were to cause disruption to pedestrian or vehicular traffic.

**Commission Questions to Staff:**

Ms. Bruno asked if the revisions would only apply to new properties.

- Any change that the Commission or Council made would only apply moving forward. Any open air display that was currently legally operating would become a legal non-conforming use.

Ms. Topham asked that if the setback distance were to increase, would the applicant be able to apply for additional square footage space toward their non-conforming use.

- An applicant would not be able to increase the amount of the non-conforming use.

**Public Questions to Staff:**

Joe Pitti asked Mr. Dansie to clarify the reasoning for widening the sidewalks.

- The purpose of widening the sidewalks was to ensure pedestrian safety, and access to the town, and to promote activity in the downtown area.

Kathy LaFave asked if uncovered and covered porches were part of the 1,000-foot display space. She also asked if the legal non-conforming use would be affected if the property was sold.

- Anything outside of a permanent structure was included in the open air display. Also, the non-conforming use standard was attached to the land and therefore unaffected if the property sold.

MJ West asked how the square footage was calculated.

- The area where an open air display would be contained was identified by the applicant on a site plan.

Laura Doty asked if her current setback of two feet would be grandfathered in.

- The current setback required for the property in question, was one half of the required setback distance. In the Central Commercial zone, the required setback varied based on the width of the specific building. When an ordinance had a revision that was less restrictive, the property would obtain the benefit of the less restrictive ordinance, although other non-conforming aspects of the property could potentially remain in place.

Rick Praetzel asked how a person would have been able to determine what an open air display was.

- The first sentence in the section of the ordinance defined what an open air display was. Traditionally, outdoor dining had not been classified as an open air display, but display of bicycles at a bicycle shop had been considered open air displays.

**Motion made by Jack Burns to open the Public Hearing: Seconded by Tom Kenaston.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Public Comment:**

Laura Doty commended the Commission for attempting to revise the standard to be consistent with different types of businesses. She noted that the required distance from motorized vehicles to bicyclists was less of a distance than the proposed setback from a display item to the public sidewalk. She stated that a setback of three feet was a reasonable distance. She suggested creating two setback standards, one for retail, the selling of merchandise, and one for retail outlets, with mobile items.

Kathy LaFave expressed her concern with grouping the different zones under one open air display area limitation. She urged the Commission to consider differentiating how the Town would apply the 1,000 square foot open air display towards Village Commercial, and Central Commercial.

MJ West explained that having a three-foot setback would create an inviting environment.

Rick Praetzel requested that the Commission consider helping the businesses who had outdoor displays that were presented well. He expressed concern in the staff report, stating that the rental of bicycles did not qualify as an outdoor display, because they did not retail bicycles.

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

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Commission Deliberation**

Ms. Bruno asked if the ordinance stated that customers would have to pay for merchandise inside of the business, and if it applied to rental items.

- Yes, the ordinance was administered as any monetary transaction outside of a permanent building was regulated by the open air display.

Mr. Burns asked Laura Doty if the extra 12 inches would make a difference as part of a potential sale.

- Laura Doty stated that there were parts of the public sidewalk in front of her business that were wider in some areas. She had not experienced congestion or blockage on the sidewalk in front of her business. She added that she could support a three-foot setback.

The Commission discussed the potential safety hazard of having a three-foot setback for Ebike rental shops, and wondered if language could have been added to restrict motorized or moving vehicles to a further setback. They also discussed that since businesses were retailing the rental of equipment, and merchandise would have been displayed, rental gear would be included in the setback standard.

Ms. Bruno reminded the Commissioners that the Council had tasked the Planning Commission with creating a standard that could have been consistently applied throughout all types of businesses.

Mr. Rioux stated that three feet was too narrow for bike rentals, and could create safety hazards.

In order to maintain the Town's goal, Ms. Topham suggested that the Commission should have a well thought out, applicable standard that could be supported by residents and businesses.

Mr. Burns asked if language would need to be added to ensure there was no conflict about the subleasing policy with the language in paragraph A.

- If a building houses multiple businesses, then all of the businesses on the property could take advantage of the open air display. Language could have been added to clarify that the intent was for businesses on the same property.

**Motion made by Jack Burns that the Planning Commission recommends approval of the revisions to Section 10-22-7 related to open air displays on commercial properties. These changes include existing displays that are legal now or grandfathered in including setbacks and area requirements as part of the land usage. Setback requirements are three feet from the edge of the sidewalk or ten feet from the edge of the road pavement. Display area requirement are limited to no more than 1,000 square feet. The proposed changes prohibit lease to another business but not operating within the primary business. The permit may be revoked if there are disturbances to pedestrians or vehicular traffic. Seconded by Ric Rioux.**

**Topham: No**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed 4:1**

- 3. Public Hearing – Ordinance Revision: Addition of Chapter 10-15G: SR9 Design Corridor, which establishes new design standards for development near SR9:** The proposal was for the addition of an SR9 design corridor. A corridor was defined as any new development within 1,000 feet of SR9 and was at least 1/3 visible from SR9. The ordinance required a design that was consistent to, and complimentary with the historic patterns of Springdale, specifically the ordinance required certain design materials, and design elements. It required buildings on the same site to have consistent designs, and prohibited new developments on hilltops, edge of mesas, or ridgelines. The ordinance also established a design committee, which was not a public body, to help applicants comply with the standards. Drawings were in production, that illustrated the concepts, to give the applicants a visual.

**Commission Questions to Staff:**

Mr. Burns asked if the visuals for the applicants would be drawings, or picture examples of existing buildings that were compliant.

- The architect recommended drawings, in order to keep the Town impartial to the different properties, and to add certain aspects that the Town would like to see.

Ms. Bruno asked if the drawings were intended to show a wide range of properties that would be compliant from contemporary to traditional, and all in between.

- Yes, they were conceptual drawings intended to help illustrate the different concepts, and materials used.

Ms. Topham asked if an applicant wanted to add another building, but their existing building was out of compliance, would they need to build something that matched the current, out of compliance structure.

- The design standards were written broad enough to where the design committee could accomplish the tasks of incorporating the requirements of the design corridor and also create a logical or a visual connection to the existing building.

Ms. Inghram asked if the stone would need to be extended all the way to the ground.

- Yes, the architecture recommended having the stone extend to the ground in order to look more appealing.

**Public Questions to Staff:**

MJ West asked why stucco was not included as a primary material.

- Stucco was listed as a secondary material, to use for building a home. The intention of not adding stucco as a primary material was to not have an all-stucco building.

**Motion made by Jack Burns to open the Public Hearing: Seconded by Tom Kenaston.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Public Comment:**

MJ West appreciated the changes the Commission had made, and recommended adding stucco as a primary material.

Laura Doty hoped that the Commission would consider adding stucco as a primary material, because it was resilient and longer lasting.

Rick Praetzel strongly encouraged that the Commission and Design Committee would be open to accepting other ideas, and stated that the standards are very limiting on the owner.

**Motion made by Jack Burns to close the Public Hearing: Seconded by Kyla Topham.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**Planning Commission Deliberation**

The Commission discussed that stucco was a secondary material that was allowed by chapter 16. Use of stucco could be widely interpreted as long as the buildings were not an all-stucco structure, because it would not fit in the character or environment on SR9.

Mr. Dansie stated that pursuant to recent state legislation, the Town was required to exempt residential development from all of our design standards. This would not apply to residential development regardless the distance of SR9, unless the property owner would like to take advantage of a building size increase, they would then be regulated by the design standards.

Ms. Inghram stated that the Commission needed to clarify that stone chimneys would not have to extend all the way to the ground.

**Motion made by Tom Kenaston that the Planning Commission recommends approval of chapter 10-15G to the Town Council. This chapter will establish an SR9 design corridor, adopt design standards for new developments in the SR9 design corridor, and establish the Design Review Committee. This chapter will allow the Town of Springdale to establish design standards that will help promote the town appearance on SR9 that is consistent with the goals and objectives in the General Plan. The standards in the new chapter are intended to: 1. Promote the Town's unique general appearance and Village Character. 2. Preserve views of important natural features and vistas. 3. Enhance the aesthetic qualities of the Town's environment. The following amendments have been made: Conceptual drawings will be required to help clarify what the Town deems acceptable within the SR9 view. The design elements will be modified to allow chimneys that do not extend to the ground. Seconded by Jack Burns.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**B. Consent Agenda**

**Motion by Kyla Topham to approve the Consent Agenda. Seconded by Ric Rioux.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

**C. Adjourn**

**Motion to adjourn at 06:48 pm made by Kyla Topham Seconded by Tom Kenaston.**

**Topham: Aye**

**Rioux: Aye**

**Bruno: Aye**

**Burns: Aye**

**Kenaston: Aye**

**Motion passed unanimously.**

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Aren Emerson, Attending 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.

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