



**Memorandum**

**To:** Planning Commission  
**From:** Thomas Dansie, Town Planner  
**Date:** **March 11, 2008**  
**Re:** **March 18, 2008 Planning Commission Meeting**  
**Conditional Use Permit: 868 Zion Park Boulevard – Bruce VanderWerff**

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**Overview**

Bruce VanderWerff has requested a Conditional Use Permit to operate a restaurant at 868 Zion Park Boulevard. This property is a business complex which currently houses a pizza restaurant, a gallery, and several gear stores. The proposed restaurant will be a malt shop and will take the place of the gallery.

**Applicable Code Sections**

The Commission may wish to review the following chapters prior to the meeting:

- Chapter 10-3A Conditional Uses
- Chapter 10-11A Central Commercial Zone

**Staff Analysis**

When reviewing a Conditional Use permit, the Commission must consider the application in light of specific standards in the Ordinance. If the proposed use complies with the standards, or can be made to comply through the imposition of reasonable standards, the conditional use permit must be granted. The conditional use application may be denied only if the proposal cannot comply with the standards established in the ordinance.

The Town ordinance contains general standards that all conditional use applications must meet as well as specific standards for restaurants. Staff's analysis of the applicant's proposal with respect to these standards follows.

**GENERAL STANDARDS**

The ordinance contains six general standards with which all conditional uses must comply. These standards are listed below in bold face type, with staff's comments following.

**The proposed use shall comply with all applicable land use standards contained in [the Land Use Ordinance]**

The proposed use will be housed in the existing building on the site. No additions or exterior remodeling will be needed to accommodate the use. The existing is non-conforming in several aspects: height, size, lot coverage. However, the Town has consistently allowed Conditional Uses in non-conforming buildings, as long as no expansion of the non-conformity is created.

The proposed malt shop restaurant will have sixteen stools and two employees. This requires six parking spaces. As noted above, the malt shop will replace the existing gallery. The gallery requires four parking spaces. Thus the malt shop will require two additional parking spaces on the property.

No changes are proposed in the existing parking lot which has been used for commercial parking for some time. The applicant has submitted a parking plan showing 99 parking spaces on the property. This amount of parking is more than enough to meet the requirements of all existing uses, as well as the additional 2 spaces required for the malt shop.

The existing parking area does not meet landscape requirements. For example, the parking areas are not screened with a landscape buffer and there are more than seven parking stalls in a row without a landscaped island. The Commission should decide if the present application warrants a requirement to bring the parking area into compliance with landscape requirements. Staff notes that the Commission did not require the parking area to be landscaped when the new Zion Outdoor building was built in 2003. Nor did the Commission require the parking area at the Whiptail Grille to conform to landscape requirements prior to issuing a Conditional Use permit for that property.

**The proposed use shall not unreasonably interfere with the lawful use of surrounding properties**

The proposed malt shop is in the heart of the Central Commercial zone. There are several other similar and complementary uses in the immediate vicinity. Staff feels the proposed malt shop is harmonious with these uses. Staff does not feel the malt shop will interfere with the lawful use of any surrounding property.

**The proposed use shall not create a need for essential municipal services which cannot be reasonably met within three (3) months and the party seeking the conditional use is willing and able to contribute to the cost of said services**

It is not anticipated that the restaurant will create a need for municipal services (water, sewer, etc.) that cannot be met immediately.

**The proposed use shall not emit excessive noise, or noxious odors, and shall not otherwise adversely impact the quality of air or water.**

**If located either in or less than 100 feet from a residential zone, the proposed use shall not create loud noise that is sustained for more than one minute and is perceptible on a residentially zoned property after the hour of 11 PM or before the hour of 7 AM.**

The restaurant use may result in an increase of noise and odor generation at the site. The Commission must determine whether the increase is likely to be "excessive", again keeping in mind the location of the restaurant in the heart of the Central Commercial zone. .

**If located immediately adjacent to a residential zone, the proposed use shall provide a screening fence or wall at least 6 feet in height along the common boundary between the proposed use and the residential zone.**

The property is not adjacent to a residential zone.

**If the proposed use is projected to generate more than ten vehicular trips per day, the use must be located on a dedicated public street.**

The proposed use will likely generate more than 10 vehicular trips per day. The proposed use is located on Zion Park Boulevard, a dedicated public street.

**SPECIFIC STANDARDS**

There are four specific standards that apply to restaurants in the Central Commercial zone. These standards are listed below in bold face type, with staff's comments following.

**A restaurant must be properly licensed by all applicable county and state health agencies.**

Staff recommends a condition of approval that requires the applicant to provide documentation of health department approval before a business license for the restaurant may be issued.

**If a restaurant features outdoor dining areas, the outdoor dining areas must be set back at least fifty feet from any residentially zoned property.**

The malt shop will not feature outdoor dining areas.

**Restaurants may not offer drive up, drive in, or drive through service.**

The restaurant will not offer these services.

**Formula restaurants are prohibited.**

Staff understands the restaurant will be independently operated and will not fit the definition or “formula restaurant.” Should the restaurant adopt a formula type operation the conditional use permit for the restaurant would be suspended.

***Recommendation***

It appears that the proposed restaurant can comply with all the specific standards for restaurant conditional uses. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant must provide documentation of health department approval of the restaurant facilities before a business license may be issued.
2. The restaurant is limited to 16 seats, unless adequate parking can be supplied to accommodate more seats.



FEB 21 2008

RY, TD #126 \$400-

118 Lion Blvd PO Box 187 Springdale UT 84767 435-772-3434 fax 435-772-3952

**APPLICATION FOR CONDITIONAL USE**

FOR OFFICIAL USE ONLY	File # _____
Brief Description of Project: <u>Restaurant CU Permit - Malt Shop</u>	
Application Date: <u>2/21/08</u> Completed File Date: _____ Review Date: _____	
Notes: _____	
Authorization: _____	Revised 02/05

Application is hereby made to the Planning Commission and Town Council of Springdale, Utah for a Conditional Use Permit pursuant to Chapter 10-3A of the Springdale Town Code for the following:

APPLICANT INFORMATION:

Name: Bruce VanderWee  
Street  
Address: 808 Zion Park Blvd.  
Mailing  
Address: P.O. Box 189 Springdale UT 84767  
Email  
Address: brucevanderwee@mac.com  
Phones  
(Home) 435-772-0015 (Cell) 801-963-4297 (Fax) 772-2457 (Business) 972-3515

SITE INFORMATION

Project Address: 808 Zion Park Blvd  
Tax Code Number: \_\_\_\_\_ Zone: \_\_\_\_\_

APPLICATION FEE

Non-refundable fee of \$400.00 must be paid to the Town at the time this application is filed.

CONDITIONAL USE DESCRIPTION

Please describe the nature of the Conditional Use request: a malt Shoppe  
Shakes, Malts, Sundaes - seats 16 stools  
most customers will take to go

REQUIRED INFORMATION

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

All of the following is already on file with the town

- ✓ A. A copy of the surveyed legal description of the property in question.
- ✓ B. A statement certifying that the applicant is the legal owner of the property in question, or a letter from the legal owner certifying that the applicant is authorized to apply for the variance and represent the owner.
- ✓ C. Plats, plans or drawings drawn to scale showing the location and dimensions of all buildings and structures, streets, vehicle circulation patterns, parking, landscape and open space areas, signs or other information as appropriate to the application. Elevation plans shall be of sufficient detail to indicate the type and color of building materials, and shall indicate materials to be employed and methods of screening provided. Preliminary landscape and irrigation plans which incorporate the landscaping requirements of this title shall be included in the submitted plans
- no change w/k D. Plans and/or preliminary report describing the proposed provisions for storm drainage, sewage disposal and other public improvements and utilities.

I will attach a parking layout

ADDITIONAL INFORMATION

Please provide an estimate of the following:

Description of all contiguous uses - Pizza Noddy - gear store

Projected daily visitation figures for the use 150

Anticipated number of employees 6

Gross area to be occupied by the use 800 sq. ft.

Anticipated water usage (gallons/ day) 2-300

Description of wastes and by-products generated by the use - Normal  
Sewage from washing utensils, & hand washing

APPLICANT CERTIFICATION

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

Printed Name: Bruce Vanderwey

Signature: [Handwritten Signature]

Date: 2/21/08

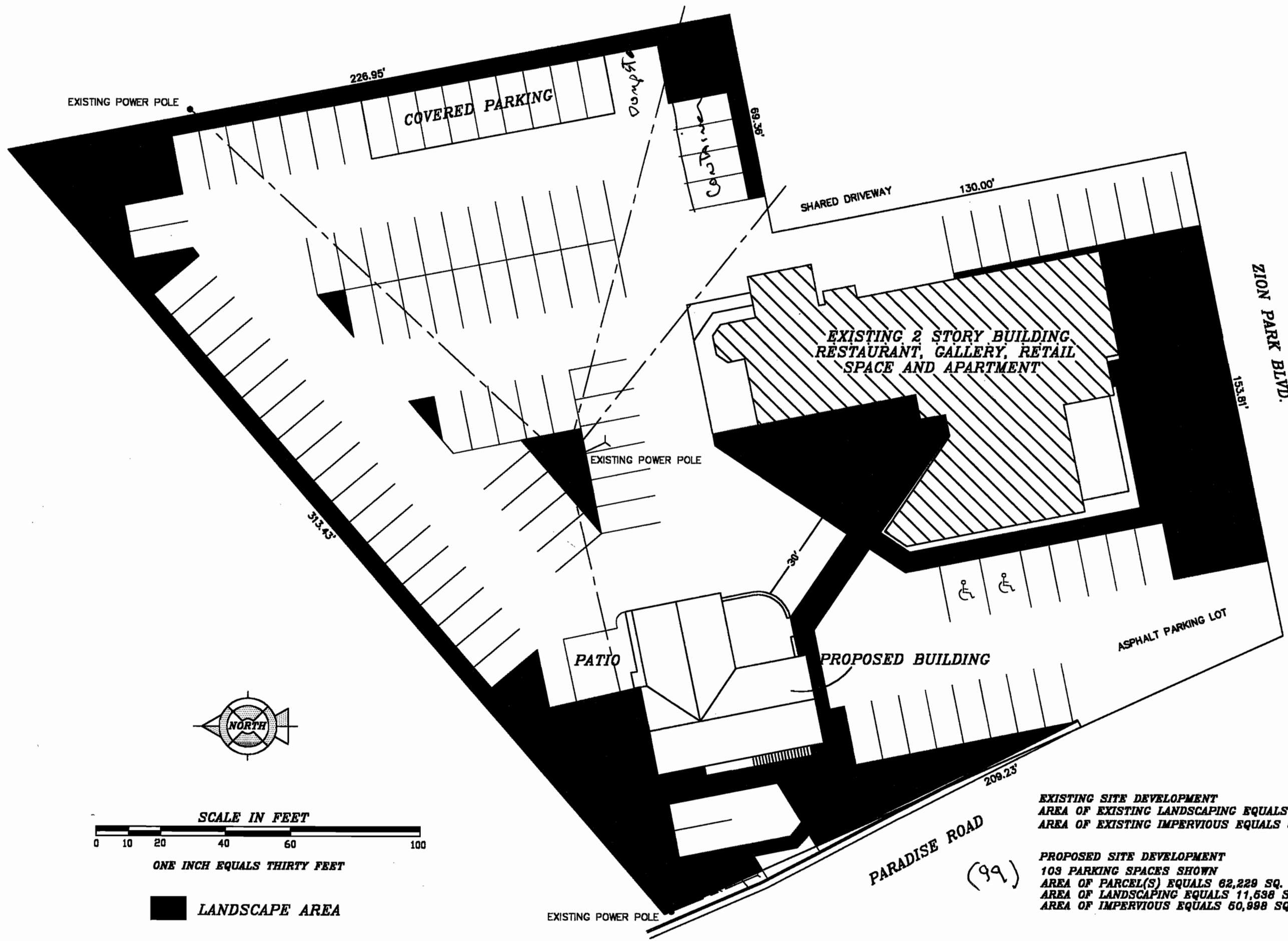
**February 22. 2008**

**Declaration of Ownership**

**This is my declaration of ownership of the property at 868 Zion Park Boulevard. I own it with the Bank. I own more than they do, so I guess that puts me in the drivers seat. I'm me, Bruce M. VanderWerff. I'm the owner. (I'm not sure who the guy in the mirror is however) a little older, a little slower, but still get the job done.**

**Thanks for your consideration in the matter.**

**Bruce M. VanderWerff**



EXISTING POWER POLE

226.95'

COVERED PARKING

Compost

Container

95.89'

SHARED DRIVEWAY

130.00'

EXISTING 2 STORY BUILDING  
RESTAURANT, GALLERY, RETAIL  
SPACE AND APARTMENT

ZION PARK BLVD.  
153.81'

EXISTING POWER POLE

313.43'

PATIO

PROPOSED BUILDING

ASPHALT PARKING LOT

209.23'

PARADISE ROAD  
(99)

EXISTING POWER POLE



SCALE IN FEET



ONE INCH EQUALS THIRTY FEET

LANDSCAPE AREA

EXISTING SITE DEVELOPMENT  
AREA OF EXISTING LANDSCAPING EQUALS 3860 SQ. FT. (6.3%)  
AREA OF EXISTING IMPERVIOUS EQUALS 67,688 SQ. FT. (93.7%)

PROPOSED SITE DEVELOPMENT  
103 PARKING SPACES SHOWN  
AREA OF PARCEL(S) EQUALS 62,229 SQ. FT. (100%)  
AREA OF LANDSCAPING EQUALS 11,638 SQ. FT. (18.6%)  
AREA OF IMPERVIOUS EQUALS 60,998 SQ. FT. (81.6%)

DATE	10/28	REVISIONS	ADD PATIO, COVERED PARKING
CONCEPTUAL SITE PLAN RETAIL SPACE & RESIDENCE 868 ZION PARK BLVD., SPRINGDALE, UTAH PREPARED FOR JOSH VANDERWERFF			
10/20/03	SHEET 1 OF 1		
SCHRAUT DRAFTING SERVICE 100 NORTH FORK DRIVE SPRINGDALE UT 84767 PH 435-772-9283 FAX 435-772-3672			