



**Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** March 8, 2019  
**Re:** **March 13, 2019 Town Council Meeting**  
**Zone Change Request: Majestic View Lodge, Parcel S-144-NP**

---

---

**Overview**

In the February meeting the Council reviewed a request from the Majestic View Lodge for a zone change on parcel S-144-NP, a 2.5-acre property on the east side of SR-9, immediately south of the Majestic View Lodge. The property is currently zoned Valley Residential (VR). The requested zone is Village Commercial (VC).

After reviewing the application and holding a public hearing, the Council expressed the following concerns:

- The Town Code only allows zone changes when there has been a substantial change in conditions, the goals of the General Plan will be promoted, or an error needs to be corrected. The Council did not feel any of these conditions had been met.
- The General Plan discourages rezoning residential properties to commercial. The Council did not find a compelling reason to disregard this General Plan directive.
- The entrance to Town should reflect open space and residential uses to reinforce the Town's character as a rural residential village. This proposal would place more commercial development at the entrance to Town.
- The Future Land Use Map does not support the proposed commercial use on the property. The FLUM does envision a welcome center in the area, but the Council thought that should be a more of a kiosk-type informational structure and not an appendage to a commercial enterprise.
- As presented in the concept drawings, the Council thought the development would have an adverse impact on traffic and would negatively impact surrounding properties.

Based on these concerns the Council tabled action on the item and asked legal counsel to draft findings for possible denial of the application.

The Town Attorney has prepared the requested findings, which are based on the concerns the Council expressed during the public hearing review of the application. The Attorney will be forwarding the suggested findings to the Council.

**Excerpt from Town Council Meeting Minutes – March 7, 2019**

**1. Public Hearing: Zone Change Request – Majestic View Lodge, represented by Sam Patel, requests a zone change from Valley Residential (VR) to Village Commercial (VC) on parcel S-144- NP, 2.5 acres located immediately south of the Majestic View Lodge:** The proposed development on this space could include commercial retail space, long-term rental housing, a welcome/information center, and lodging units. The applicant emphasized the plan submitted was conceptual only.

The Planning Commission reviewed the proposal and held a public hearing in January, recommending denial based on findings it did not meet the criteria for a zone change in section 10-3A-2 or conform with the General Plan. Public comments received were in opposition to granting the zone change.

**Questions from Council to staff** – none were asked.

**Questions from the public to staff** – none were asked.

**Questions from Council to the applicant** - Sam Patel was in attendance representing the applicant. Ms. Zumpft asked if the affordable housing units would be income restricted and if the applicant would request an affordable housing overlay zone.

- Mr. Patel indicated this was how the units were intended although they had not specifically asked for an overlay. The affordable units were planned to accommodate local employees and would be subsidized by the lodging units. He said they had forwarded an alternative plan today that could be discussed however they were open to comments and feedback (Attachment 4).

Ms. Zumpft asked how it was determined retail space would be needed.

- Mr. Patel spoke to some locals who indicated they would like to start up a business in Town but commercial space was scarce and expensive.

**Questions from the public to the applicant:** None were asked.

**Motion made by Lisa Zumpft to go into public hearing for a zone change request from the Majestic View Lodge for a zone change from Valley Residential (VR) to Village Commercial (VC) on parcel S-144-NP, 2.5 acres located immediately south of the Majestic View Lodge; seconded by Randy Aton**

**Aton: Aye**

**Zumpft: Aye**

**Smith: Aye**

**Player: Aye**

**Alltucker: Aye**

**Motion passed unanimously.**

**Public comments:** No comments were made.

**Motion made by Lisa Zumpft to go out of public hearing; seconded by Randy Aton.**

**Aton: Aye**

**Zumpft: Aye**

**Smith: Aye**

**Player: Aye**

**Alltucker: Aye**

**Motion passed unanimously.**

Mr. Player felt the application was premature and not definitive. The process was not about the Council determining what would be allowed.

Referencing the General Plan, Mr. Alltucker had a number of concerns. He did not see a substantial change to warrant the zone change.

- Mayor Smith said there was a change in ownership but not a change in need.
- Mr. Aton noted General Plan objective 3.2.1 stated to avoid rezoning property from residential to commercial. In addition, objective 3.2.2 focused on retention of residential uses and open spaces along SR-9. The entrance to Springdale should show a livable Town and open spaces. He did not feel the General Plan supported commercial use in this area.

Mr. Alltucker said the Future Land Use Map (FLUM) designated this parcel as agricultural/residential which this request did not satisfy. Based on the General Plan, if a request did not conform it should be denied. He felt this was a strong guiding message. Additionally, as designed, Mr. Alltucker suggested the project would have negative traffic implications and adverse impacts to surrounding properties.

- Mr. Aton noted the intent of a 'visitor center' was to be a kiosk-type structure for information.

Although affordable housing was important to her, Ms. Zumpft said she was not in favor of rezoning this area to commercial. If the applicant considered an affordable housing overlay zone, she would have the conversation. Based on public surveys, Ms. Zumpft said the community was pretty clear they did not favor zone changes.

Mr. Alltucker recommended the Council wait on any action until legal could provide a review of findings. The Council agreed.

Mayor Smith did not feel the proposal met the criteria for a zone change. He felt every business should be a 'welcome center' for visitors. He favored creating ways for families to come into the community to live and thrive over more retail/lodging.

Ben Willits from Horrocks Engineers addressed the Council. After the Planning Commission meeting the applicant better understood concerns and altered the affordable housing component of the plan. In exchange they wanted to revamp the Majestic View Lodge on the west side of SR-9 and consolidate the restaurant and gift shop to add additional lodging units. These additional lodging units would subsidize the affordable housing. Mr. Willits asked if the Council could look at this revised proposal (Attachment xx) and ascertain if an affordable housing overlay zone was needed.

- Mr. Dansie said the Council could review a revised plan under the current request, or start again with another zone change application. Since the revised plan was submitted within minutes of the meeting, Mr. Dansie acknowledged he did not have an opportunity to review it.
- Code stated there was a one-year bar on refile for the same zone change on the same property. Therefore, the applicants could not come back with the same zone change request but could come back with a different request.

Mr. Willits suggested the current process finish then they could come back with a different zone change application.

**Motion made by Mike Alltucker to table any action on the application for a zone change from Valley Residential (VR) to Village Commercial (VC) on parcel S-144-NP, a 2.5-acre property on the east side of SR-9 located immediately south of the Majestic View Lodge and ask legal counsel to prepare and draft findings for possible future Council action in denying this application; seconded by Adrian Player.**

**Aton: Aye**

**Zumpft: Aye**

**Smith: Aye**

**Player: Aye**

**Alltucker: Aye**

**Motion passed unanimously.**