



Memorandum

To: Planning Commission
From: Thomas Dansie, Town Planner
Date: March 15, 2019
Re: **March 20, 2019 Planning Commission Meeting**
Conditional Use Permit: Transient Lodging Facility – 358 Zion Park Boulevard, Luke Wilson

Overview

Luke Wilson has requested approval of a conditional use permit for a transient lodging facility at 358 Zion Park Boulevard, the site of an off-street paid parking area. The property is located in the Village Commercial (VC) zone. The transient lodging facility will be a short-term rental style consisting of one transient lodging unit.

The transient lodging facility is proposed to occupy the second story of a yet to be constructed building in the northeast corner of the property. The Planning Commission approved the DDR for the new building last Fall. When presented to the Commission, the new building was proposed to house a soda/drink business on the first floor, with office space on the second floor. According to the applicant the second floor will continue to be used primarily as an office space, with occasional use as a transient lodging facility.

As mentioned above, the property is currently being used as a paid parking area. The parking use will continue on the property. The proposed transient lodging use will be in addition to the paid parking use.

Applicable Ordinances

The Council should review the following code chapters or sections:

- 1. Chapter 10-11B: Village Commercial Zone
- 2. Chapter 10-3A: Conditional Uses

Staff Analysis

The Town Code contains general and specific standards to evaluate all conditional use permit requests. If the proposal complies, or can be made to comply through the imposition of reasonable conditions, to the establish standards the town must approve the conditional use permit. If the request cannot comply with established standards the town may deny the conditional use permit.

The Planning Commission should determine if the proposed transient lodging facility will comply with the standards in the ordinance.

General Standards

There are six general standards with which all conditional permit requests must comply (see section 10-3A-4). Staff’s analysis of the applicant’s request with respect to these standards follows:

A. The proposed use shall comply with all applicable land use standards contained in this title.

The property has been developed and operated in compliance with Town land use standards. The proposed use, a transient lodging facility, is allowed as a conditional use in the VC zone.

Section 10-11B-12(A) of the Town Code states:

“Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, floods or excessive soil erosion.”

The proposed transient lodging unit will be located near the toe of the Springdale landslide. During the review of previous applications on this property the Commission has expressed concern over the natural hazards associated with the Springdale landslide and steep slopes surrounding the site. Previous approvals were granted with strict conditions on limiting disturbance on the toe of the landslide and associated steep slopes. The Commission allowed previous development on this parcel notwithstanding the natural hazards because the proposed uses (paid parking, drink/beverage business, office) did not include permanent occupancy of the structures. The Commission may wish to discuss whether or not allowing overnight occupancy of the structure will “place... individuals at unreasonable risk of harm or injury” from natural hazards.

As is the case with the future soda/beverage business and the office use, the proposed lodging facility will require some parking spaces (three spaces for the TLU) to be converted from paid parking to customer parking.

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

The subject property is surrounded in three sides by undeveloped and undevelopable hillsides. On the fourth side the property is adjacent to Zion Park Boulevard. The proposed use of the property as a one-unit short term rental transient lodging facility is unlikely to interfere with the lawful use of these surrounding properties. There are several single-family residential properties across Zion Park Boulevard from the property. The proposed use could impact these single-family residences with increased traffic and general activity. However, the additional impacts of the transient lodging facility are minimal compared to the existing traffic and other impacts associated with the paid parking area and future drink/beverage business on the property. Staff does not feel the minimal impacts of one transient lodging unit will unreasonably interfere with the lawful use of the single-family residential properties.

C. 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.

The proposed use will not create a need for municipal services that cannot be currently handled.

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

1. If located either in or less than one hundred feet (100') 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 eleven o'clock (11:00) P.M. or before the hour of seven o'clock (7:00) A.M.

The property is adjacent to residentially zoned properties. The Commission may wish to impose a condition of approval that requires the transient lodging facility to avoid making loud noises between the hours of 11:00 PM and 7:00 AM.

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

The property adjacent to the north of the proposed use is zoned Foothill Residential. However, the FR zoned property immediately north of the property contains steep slopes that are part of the Springdale Landslide. These steep slopes have no development potential. There will never be a residential use on this property that would benefit from a screen fence. Further, building a screen fence on the landslide slopes may be difficult and unwise. Staff recommends a screen fence not be required on the boundary to the FR zoned adjacent parcel.

F. If the proposed use is projected to generate more than ten (10) vehicular trips per day, the use must be located on a dedicated public street.

The proposed transient lodging facility is located on Zion Park Boulevard, a dedicated public street.

Specific Standards

There are four specific standards with which all transient lodging facilities must comply (see section 10-3A-5(E)(15)). Staff's analysis of the applicant's request with respect to these standards follows:

A. Access and entrances to guest rooms (including rear patios and balconies) must be placed and oriented to have as minimal an impact on surrounding properties as possible.

All entrances and accesses into the proposed vacation rental are located and oriented in such a way that they will not have a noticeable impact on surrounding properties. All entrances and gathering areas face toward the interior of the property.

B. Outdoor gathering areas (pools, patios, courtyards, etc.) must be setback at least fifty feet from a residentially zoned property.

The plans for the approved building do not contain any outdoor gathering areas.

C. Outdoor lighting must be designed such that no light source is visible beyond the property boundaries. All exterior lights must use full cut off fixtures.

All lighting associated with the proposed use will need to meet this standard.

Public Comment

Staff has not received any public comment on this proposal.

Findings

The Commission should consider the following questions in making findings regarding the proposed vacation rental:

1. Will the transient lodging unit on the property comply with the general standards for conditional use permits in and the specific standards for transient lodging facilities in the Town Code?

Sample Motion

The Planning Commission recommends **APPROVAL/DENIAL** of the conditional use permit for a transient lodging facility at 358 Zion Park Boulevard. This motion is based on the following findings:

[LIST FINDINGS]