



Fwd: Bit and Spur's request for rezoning

Thomas Dansie <tdansie@springdale.utah.gov>

Fri, Apr 15, 2022 at 6:49 PM

To: Darci Carlson <dcarlson@springdale.utah.gov>, Aren Emerson <aemerson@springdale.utah.gov>

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From: Patricia <[REDACTED]>

Date: Fri, Apr 15, 2022, 5:32 PM

Subject: Bit and Spur's request for rezoning

To: <tdansie@springdale.utah.gov>, <rrioux@springdale.utah.gov>, <tkenaston@springdale.utah.gov>, <ktopham@springdale.utah.gov>, <nbenson@springdale.utah.gov>, <pinghram@springdale.utah.gov>, <pcampbell@springdale.utah.gov>, <ahyatt@springdale.utah.gov>, <susan_mcpartland@nps.gov>

Dear Planning Commission members,

The Bit and Spur was already approved (in Nov. 2021) for six units of employee housing right behind Ron Reber and me. They were also approved for seven units of transient lodging on the other side of the Bit. Of course affordable employee housing is very important. But it shouldn't be at the expense of rezoning Residential zones. I know that there is other employee housing in town that didn't rezone in order to build.

Deeds in perpetuity are illegal in many states and unenforceable in the others. This goes back to the late 1600s. The law doesn't believe that ANY property should be restricted forever after the original owner dies. Maybe 20 years but that's nothing. Our town attorney should have known this at the very least. This is a perfect example of the unforeseen consequences that have plagued Springdale for many many years. And the reason that an excellent land-use attorney should have been consulted all along the way. An all-purpose attorney is worthless for these kinds of decisions.

If this is passed, there will be no end to rezoning Residential to Commercial enterprises. If someone loses, they will sue the town and they will win because of the precedent. It doesn't matter if you say you're going to rezone only if they have a deed in perpetuity. First, it doesn't matter if you have that particular deed—it is unenforceable. And the Bit and Spur could decide that they wanted another acre and you would definitely have set a precedent for that. I believe that Trish and Alex probably have good intentions but they have no idea (or don't care) about the consequences.

This will be the last straw that completely changes the character of the town and it will become more and more densely built. The only thing that will matter is that you rezoned from Residential to Commercial. And it won't matter what use you approved it for. I thought our (Springdale's politicians and citizens) goal now was to slow the density that has already taken up our little town. Springdale has changed a lot in the 23 years I've been here and very little of it has been for the better. Transient lodging is rampant. The beauty mentioned in the General Plan hasn't been achieved. In fact, every resident in town should be opposing this rezone because it will affect everyone negatively, way into the future. Historically, Springdale does not approve rezones. And this is certainly not one that should be granted. It isn't right to create density next to Gifford Park after all these years. Especially Foothill Residential which wasn't meant for buildings. This is also the path the deer have followed to the river every evening for I-don't-know-how-many years.

David and I bought this home in Gifford Park 23 years ago. I am grateful every single day to be surrounded by this beauty and peace and quiet. We suffered some serious illness here and I have suffered extreme grief since my husband died. This home is my sanctuary and has helped me

recover. I hear the Bit occasionally but I don't mind that at all. They have limited hours and they respect the town's ordinance on noise. Though my views and peace might or might not be impacted by the proposed Bit project, the direction that Springdale is taking definitely will.

The Bit and Spur has a lot on its plate to build the 13 units it has already been approved for. I'm not sure why there is a rush to get more approvals so quickly. Perhaps they should see how it goes with those units first.

I urge, at the very least, that you table this application until you get a valid legal opinion from one of the most prominent successful real-estate/land-use/zoning attorneys in Utah (I know a name).

I prefer that you deny it altogether because of all the thorny issues that will come to pass because of it.

Thank you,
Patricia Vail-Blackett
Gifford Park