



Memorandum

To: Bryan Pattison, Administrative Hearing Officer
From: Niall Connolly, Principal Planner
Date: July 25, 2024
Re: Variance Request: 1067 Zion Park Boulevard, Parcel S-32-B
Landscape Standards Variance

Introduction

Mr. Noel Benson requests a variance relating to landscape standards at 1067 Zion Park Blvd (parcel S-32-B). The requested variance is to allow a reduction in the required quantity of landscape. This parcel lies in the Village Commercial zone. Section 10-18-4(A) of the Town Code includes a table which specifies the minimum quantities of landscape in each zone. The requirements for the Village Commercial Zone are as follows:

Zone	Minimum Percentage Of Property To Be Either Landscaped Or Natural Open Space	Minimum Percentage Of Property To Be Landscaped
VC	60	30

Figure 1

This means that 60% of any Village Commercial property must be in either landscape, or natural open space. And a minimum of 30% of a property must be landscaped. The variance request seeks a relief from that standard to instead allow 48% of the property to be landscaped. Due to the previously developed nature of the site, it is not anticipated that any natural open space will be provided on this parcel.

Applicable Code Section

The Hearing Officer may wish to review the following code section prior to the hearing:

- Section 10-18-4(A)

The Hearing Officer should note that the applicant is seeking a variance only from the minimum standards in the table in Section 10-18-4(A), and not the entirety of Section 10-18-4(A).

Parcel S-32-B

The parcel measures 10,593 sq ft (0.24 acres). Figure 2 shows the parcel in the context of the Town's zoning map. Figure 3 is an aerial view of the parcel.



Village Commercial

Figure 2. Springdale Zoning Map - with parcel S-32-B outlined in green



Figure 3. Aerial view of parcel S-32-B

Ordinance Background

The purpose of the Town's landscape ordinance is set out in Section 10-18-1. This is as follows:

- A. *The purpose of this chapter is to prescribe standards for the maintenance and preservation of existing vegetation and for the provision of supplementary landscaping within the community for the public health, safety and general welfare so as to achieve the following goals:*
 1. *To preserve and enhance the natural environment and aesthetic qualities of the Town; to create the desired "in the park" visual impression;*
 2. *To preserve and enhance the appearance, character and value of surrounding properties;*
 3. *To minimize the visual impacts of developed parking areas and mechanical equipment; to minimize the impacts of erosion, noise and air pollution, excessive sun, wind and glare; and to promote water conservation through use of native and low-water use plant species as appropriate; and*
 4. *To promote water conservation through the use of water conserving plants, efficient irrigation systems, and responsible irrigation scheduling*
- B. *The purpose of this chapter also promotes the following:*
 1. *Use of landscaping to separate vehicular and pedestrian areas;*
 2. *Compatibility of residential and nonresidential areas;*
 3. *Buffers between incompatible land uses;*
 4. *Screening of objectionable light and noise;*
 5. *Softening of building masses;*
 6. *Privacy;*
 7. *Continuity of development;*
 8. *Complement the visual effect of buildings;*
 9. *Attractive appearance along Town streets;*
 10. *Abundant shade trees;*
 11. *Enhancement of the quality of life and general welfare;*
 12. *A mix of evergreen and deciduous trees and shrubs where beneficial.*

The landscape ordinance centers on protecting the visual amenity of the Town and promoting an "in the park" feel within Springdale.

Variance History in the Area

Staff are not aware of any history of variances in the immediate vicinity of this property, or where a similar relief from landscape standards was requested.

The Applicant's Submission

The applicant has provided photographs of the property, as well as a number of potential development scenarios. The full applicant's submission can be found in Appendix A of this report. Each scenario shows a site layout with varying quantities of landscaping. One of the site plans shows a scenario with 48% landscape, which is what the applicant is seeking. This scenario shows a 2,568 sq ft building footprint, 10 parking stalls and 5,573 sq ft of landscape (see figure 4 below):

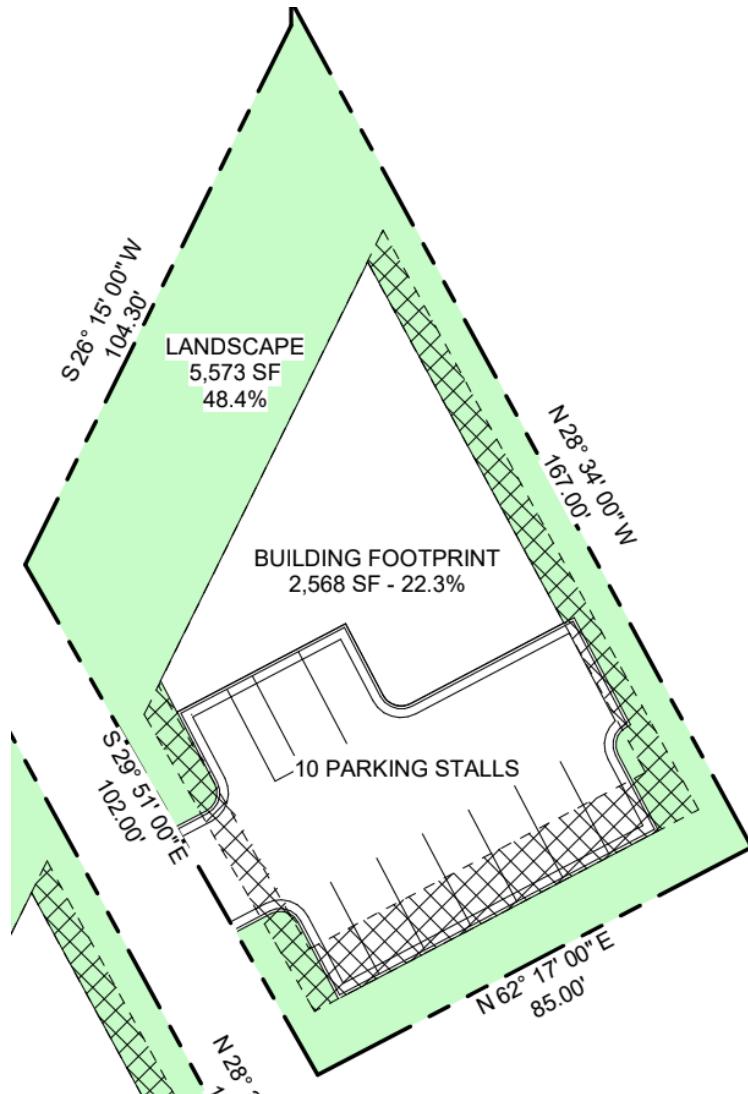


Figure 4. Proposed Site Layout (with 48% landscape)

The applicant has also set out his case based on the variance criteria which are listed in Utah's Municipal Code (section 10-9a-702) . This is presented in appendix A of this report

Attachments

The supporting documents provided by the applicant are attached to this report.

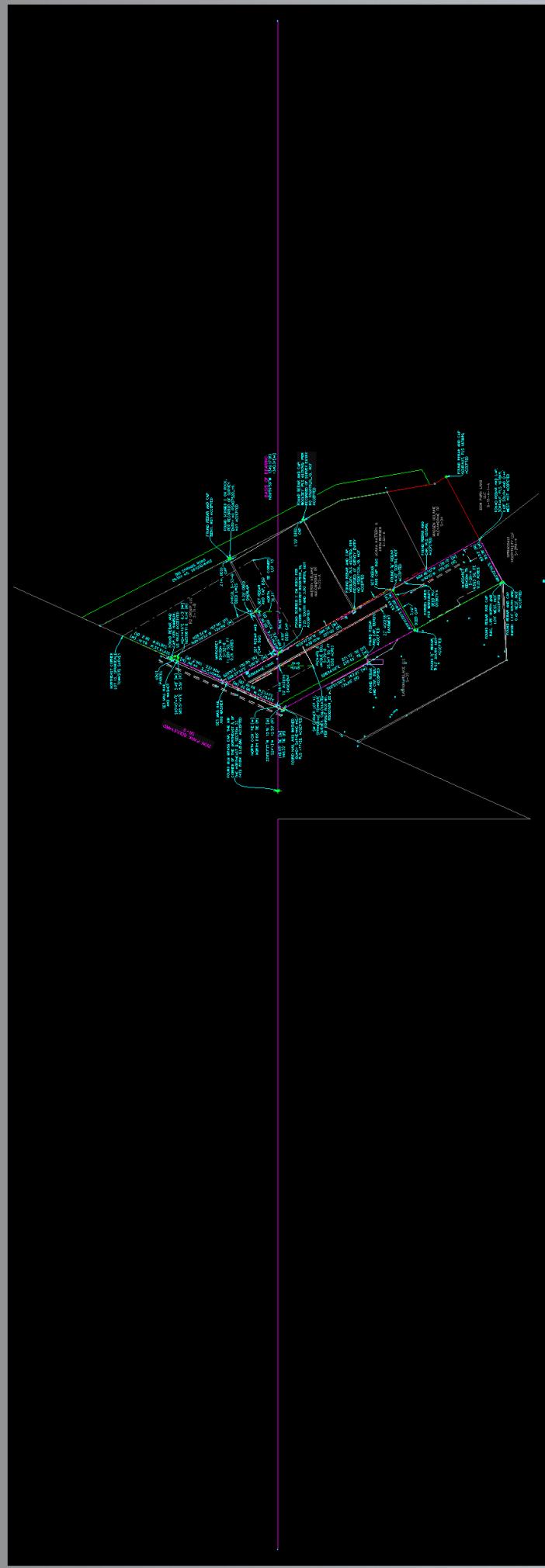
Appendix A: Applicant's Supporting Documents

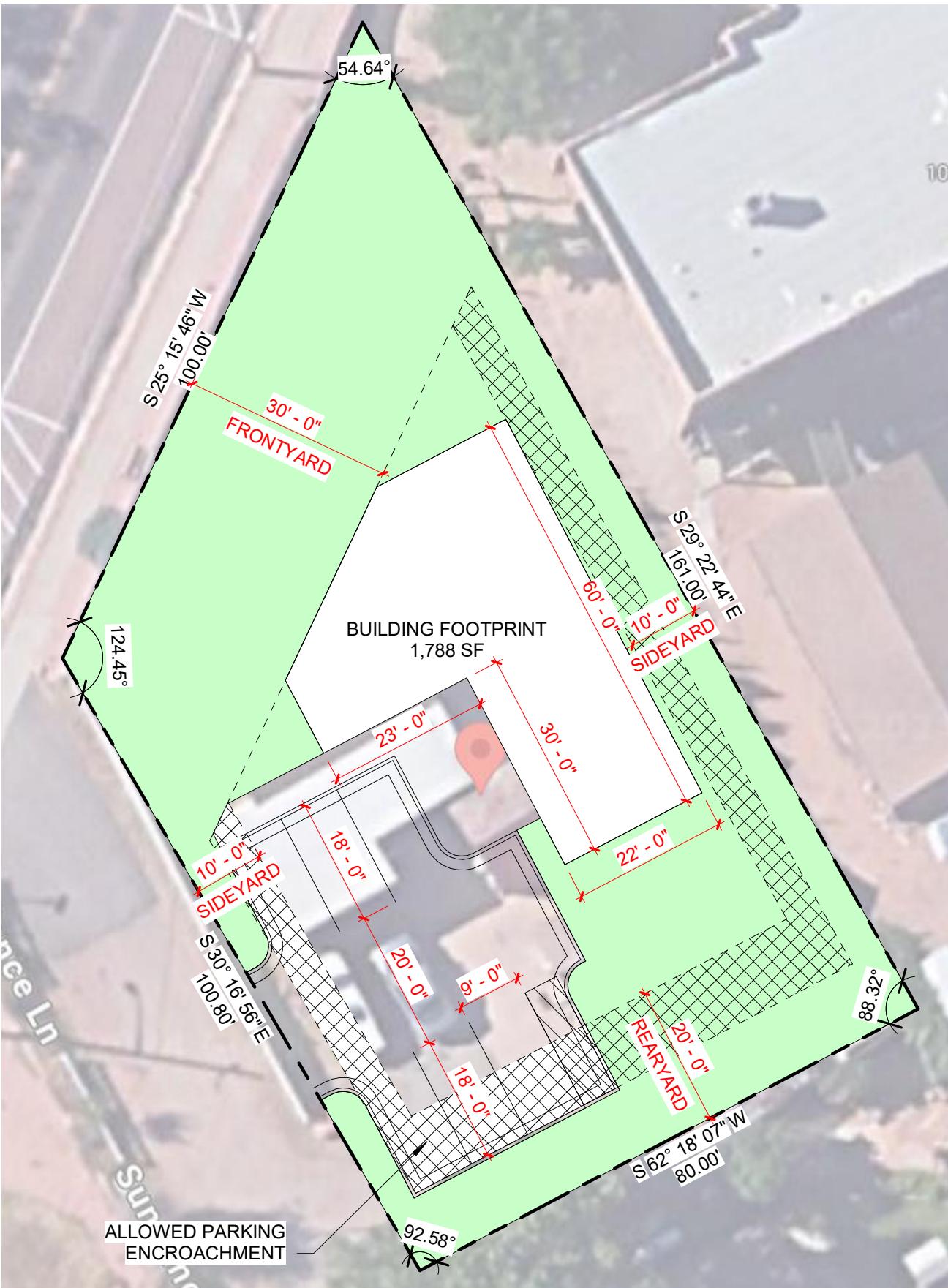
Criteria	Applicant's Response
<p>How will the literal enforcement of the provisions of the Town Code result in unreasonable hardship that is not necessary to carry out the general purpose of the Code?</p>	<p>Why would the literal enforcement of the landscape ordinance be a hardship? Very simply, it is not possible to provide the community benefit of a restaurant without it. This restaurant, unlike most in Town, will be here to service everyone, residents and tourists alike. There is no tourist lodging on the property. But there is a small Inn behind, new lodging being built across the street, and numerous hotels, small and large, within a couple blocks. Having an independent restaurant that is walking distance to these various lodging facilities will have a very positive affect on traffic patterns in the area. It will also provide a modern restaurant, without lodging, for the residents, which is something that does not exist.</p> <p>Why is requiring 60% landscape/open space not necessary to carry out the general purposes of the ordinance? There are many commercial properties with much less landscape/open requirements that have successfully met the standards. At 48%, we will have options to ensure compliance with landscaping and have a property that will enhance the streetscape with something our residents will appreciate. Currently, there is a dilapidated house and cabins on site that are not contributing to our goals as a Town (see pics). Also, the current development is non-conforming in many ways, including setbacks and units, and could not be reproduced today.</p> <p>The included site layouts show that without this variance, there simply will not be enough parking (the plans showing 12 parking spaces is our goal). Even if granted the 12% additional landscape/open for this requested variance, approval from the planning commission is still needed, allowing parking halfway into side and rear setbacks (48% is still extremely challenging given the size). This is an allowable exception in our code (10-11B-7:7) and the gridded area on the plans.</p> <p>Springdale Town Code 10-18-1 gives us the</p>

	<p>purpose of the landscape ordinance. Granting the variance won't prevent us from accomplishing the goals set forth in the code or carry out the standards listed.</p> <p>Additional parking will be a public benefit, helping alleviate traffic, and we are exploring additional off-site parking. But, even if we obtain such parking, the Town will not allow for any additional dining, nor will it satisfy any code requirements whatsoever.</p> <p>This request supports all the general plan's goals and sub goals with particular relevance to the Economic Development General Goal SUB GOAL B.2. Also, the general plan supports addressing this exact type of unique circumstance and practical difficulty, with solutions, that in this case, would result in adequate parking on our property (General Plan Land Use and Appearance Goal Sub-Goal A.7).</p>
<p>What are the special circumstances attached to the property that do not generally apply to other properties in the same district?</p>	<p>The site has constraints of having a bit of an odd shape, but most important is the small size that significantly limits the options for parking layout and development under the current zoning regulations. This parcel was subdivided long before there was a half-acre minimum requirement for the village commercial zone. Being that this property is about half that minimum size, the 60% landscape requirement results in an unreasonable hardship.</p> <p>The property is surrounded by and across the street from other commercially zoned properties, no residential. The topography of the property slopes down slightly from Zion Park Blvd (SR-9) and the building will be in the front of the property. These conditions help mitigate any views of the increased parking area (some view of the currently allowed parking is inevitable).</p>
<p>How will granting the variance be essential to the enjoyment of a substantial property right possessed by other property in the same district?</p>	<p>How will granting this request be essential to the enjoyment of a substantial right possessed by other similar properties? The granting of this</p>

	<p>variance is the only way to get enough parking to meet the Town's requirements for on-site dining (indoor and outdoor both count). Without it, the substantial right of being able to have a restaurant cannot be fulfilled. One parking space is required for every 200 sq feet of dining space (plus 2-3 of the spots will be mandatory employee parking and not count toward dining allowance).</p>
<p>Why will the variance not substantially affect the general plan and not be contrary to the public interest?</p>	<p>The proposal is fully supported by the general plan. The affect will be a positive for the neighborhood, streetscape and public. Our neighbors are all zoned commercial and the public at-large has specifically asked for more restaurants (General Plan Economic Sub-Goal B.2).</p> <p>This restaurant, unlike most in Town, will be here to service everyone, residents and tourists alike. There is no tourist lodging on the property. But there is a small Inn behind, new lodging being built across the street, and numerous hotels, small and large, within a couple blocks. Having an independent restaurant that is walking distance to so many lodging facilities will have a very positive affect on traffic patterns in the area. It will also provide a modern restaurant, without lodging, for the residents, which is something that does not exist.</p> <p>This is a way to follow the general plan and give residents something they want, without a business they don't want, as a caveat.</p>
<p>How will the spirit of this title be observed and substantial justice be done?</p>	<p>Even if granted the variance, we still have a lot of landscape/open space to consider and work with. Designing a property that meets the Town appearance goals will be a priority. We live right here in Springdale and the goal is for this place to be an integral part of the community. The spirit of this title will be considered in every step. If there are conditions you believe are important, please share. With the additional parking, there will be enough space for dining and substantial justice</p>

	<p>will be done.</p> <p>Springdale has two commercial zones, central commercial and village commercial. Central has a sliding scale for landscape/open requirements. The smaller the lot, the less required. A property this size would only require 30% landscape/open. Currently, we are required double that on a commercially zoned property.</p>
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10-11B-5: AREA REQUIREMENTS

A. **Building size:** The gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed 5,000 square feet. Gross area shall include all attached structures and exclude basements.

10-11B-6: SETBACK REQUIREMENTS

The following minimum setback requirements apply to each lot or parcel of land within the VC zone:

A. **Front setback:** 30 feet
 B. **Side setback:** 10 feet
 C. **Side setback, corner lots:** The side setback contiguous to any street shall be the same as required front setback.
 D. **Rear setback:** 20 feet.
 E. **Exemption:** In instances where the adjacent property is commercially zoned and where a building or structure on such adjacent property is already in existence closer than the required side and rear setback, the Planning Commission may allow a side or rear setback less than that stated above if it finds that the reduction would not be detrimental to the health, welfare, or safety of persons residing or working in the vicinity.

10-11B-7: ENCROACHMENTS INTO SETBACKS

A. The following structures may encroach on any required setback:

1. Fences and walls in conformance with section 10-20-9 of this title and all other applicable codes or ordinances;
2. Landscape elements including trees, shrubs and other plants;
3. Necessary appurtenances for utility services;
4. A sign that complies with chapter 24 of this title;
5. Noncommercial pedestrian conveniences such as drinking water fountains, park benches and the like;
6. Outdoor commercial uses such as outdoor seating areas or open air displays, provided there is a minimum ten-foot wide buffer planted with screening vegetation between any outdoor commercial use and an adjacent residentially zoned property. A minimum five-foot high solid fence or wall is also required on any property line between a commercial use allowed in the setbacks and a residentially zoned property. No sound amplification is allowed in the setback areas.
7. Parking spaces, not contained within a building or structure, may be permitted to encroach on a required side or rear setback or that portion of the front setback contiguous to the side setback (see illustration #1 of this subsection A.7.), with the approval of the Planning Commission. In any such case, parking spaces shall not project into greater than one-half of the required rear or side setback, nor greater than 25 feet into the front setback. The remaining setback, without parking spaces, shall directly abut property line of said lot or parcel of land. To approve any such encroachment, the Planning Commission must find:
 - a. Such parking will in no way be detrimental to the health, safety or welfare of persons residing or working in the vicinity, nor unreasonably interfere with the enjoyment of property or improvements in the vicinity; and
 - b. The location of an existing building or existing parking spaces render alternate parking locations impractical and infeasible;
 - c. An unusually shaped or sized lot renders alternate parking locations impractical and infeasible

B. The Planning Commission may attach conditions to the erection of any such structures into required setbacks.

10-11B-8: BUILDING HEIGHT

The height of any structure in the VC zone is measured in accordance with chapter 15A of this title.

A. The maximum height for any structure on a normal lot in the VC zone is 26 feet, except as allowed by subsection D. of this section. The maximum height for any structure on a high-visual impact lot in the VC zone is 21 feet.
 B. No building or structure in the VC zone shall contain more than two stories, except as allowed by subsection E. of this section.
 C. In no case shall the height of any accessory building or structure exceed the height of any principal structure on the same lot or parcel.
 D. The maximum height for a structure is increased to a total of 28 feet if the highest finished floor elevation of the first floor of the building is more than four feet below the lowest elevation of the SR-9 roadway fronting the property.
 E. A building in the VC zone may have a third story walkout basement or basement parking area if all of the following requirements are met:

1. The highest finished floor elevation of the first floor of the building is at least two feet below the elevation of the lowest elevation of the SR-9 roadway fronting the property.
2. The walkout basement or parking area entrance opens on the side of the building opposite SR-9.
3. There is at least six feet of natural topographic relief between the side of the building facing SR-9 and the opposite side of the building, SR-9 side being the higher side. This natural topographic relief must be retained during development of the building.
4. The building does not exceed the height limit established in subsection A. of this section.

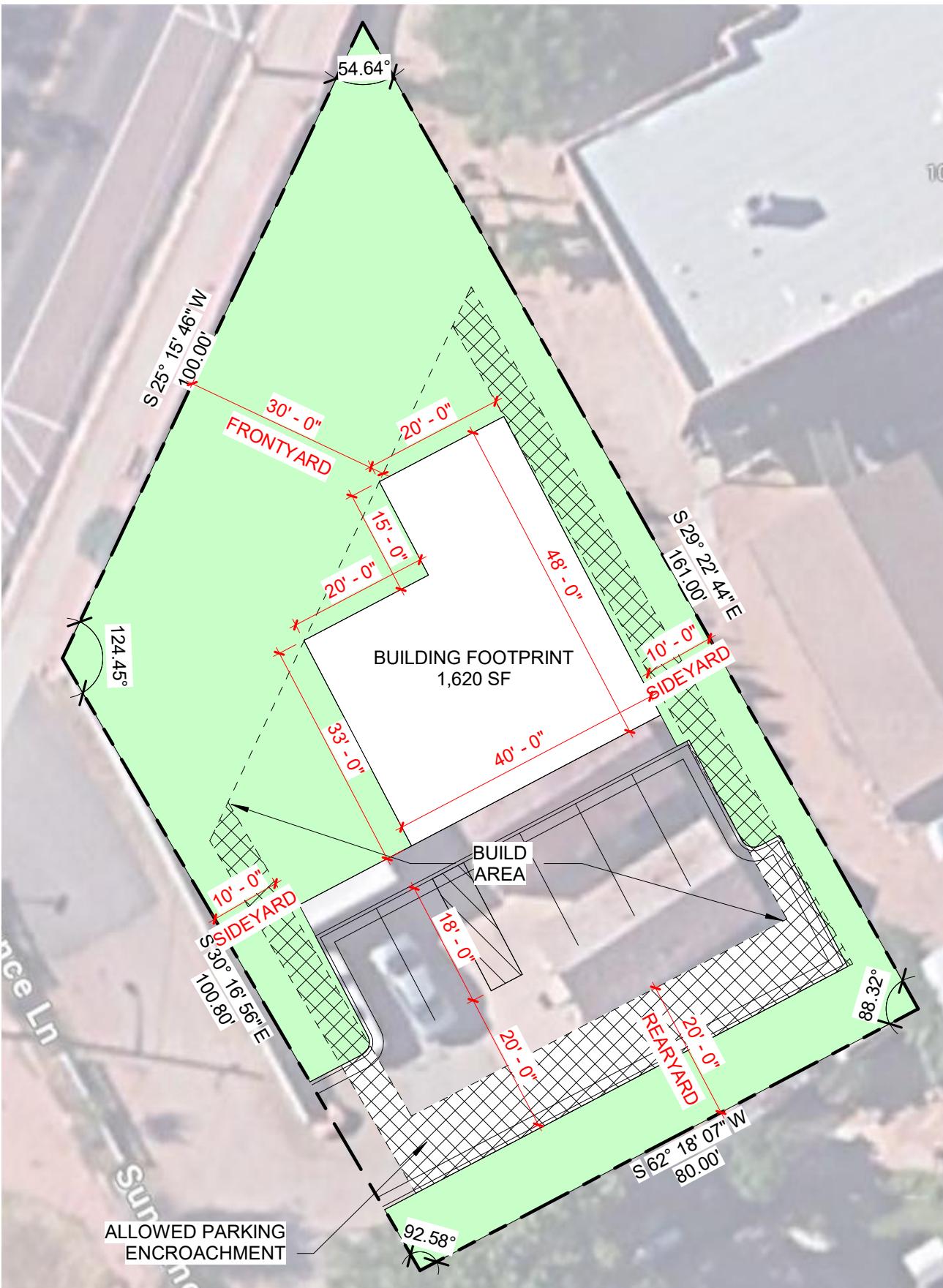
10-11B-10: REQUIRED LANDSCAPING

Development in the VC zone shall comply with the standards of chapter 18, "Landscaping", of this title.

10-11B-11: PARKING, LOADING AND ACCESS

Base Parking Requirement: 1 space per 200 square feet of dining area (indoor and outdoor)

Employee Parking Requirement: 2 spaces for the first 1,000 square feet of dining area, 1 additional space for each additional 1,000 square feet



10-11B-5: AREA REQUIREMENTS

A. **Building size:** The gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed 5,000 square feet. Gross area shall include all attached structures and exclude basements.

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E. **Exemption:** In instances where the adjacent property is commercially zoned and where a building or structure on such adjacent property is already in existence closer than the required side and rear setback, the Planning Commission may allow a side or rear setback less than that stated above if it finds that the reduction would not be detrimental to the health, welfare, or safety of persons residing or working in the vicinity.

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B. The Planning Commission may attach conditions to the erection of any such structures into required setbacks.

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B. No building or structure in the VC zone shall contain more than two stories, except as allowed by subsection E. of this section.
C. In no case shall the height of any accessory building or structure exceed the height of any principal structure on the same lot or parcel.
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3. There is at least six feet of natural topographic relief between the side of the building facing SR-9 and the opposite side of the building, SR-9 side being the higher side. This natural topographic relief must be retained during development of the building.
4. The building does not exceed the height limit established in subsection A. of this section.

10-11B-10: REQUIRED LANDSCAPING

Minimum percentage of property to be Landscape or Open Space: 60%

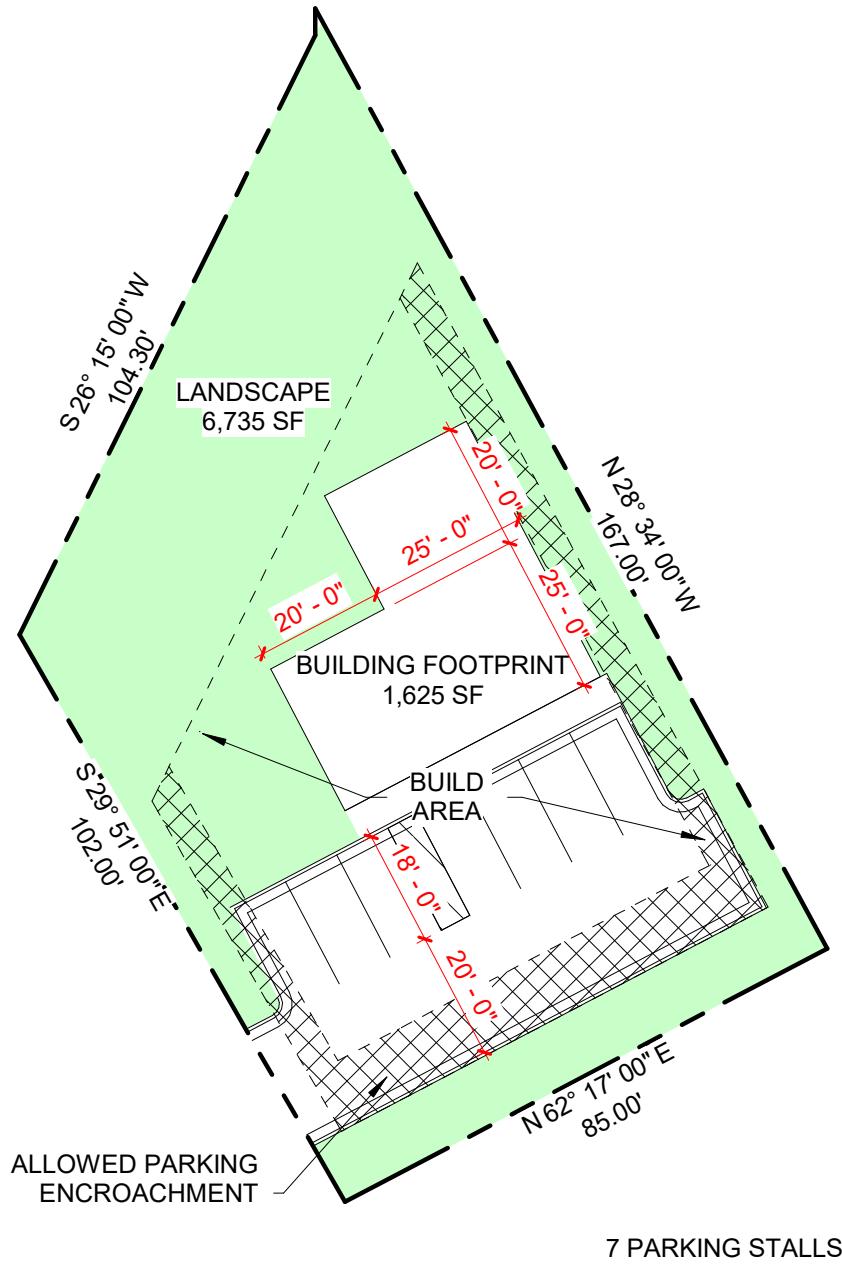
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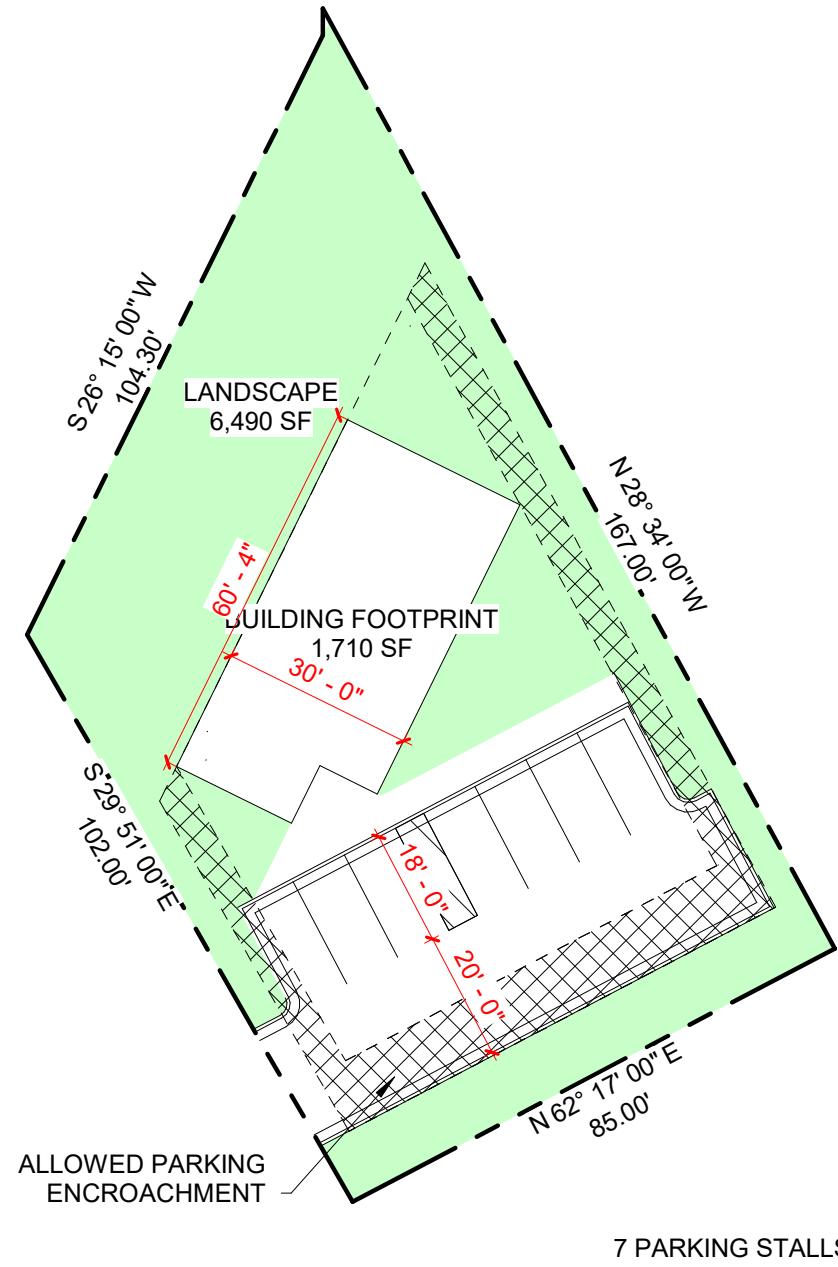
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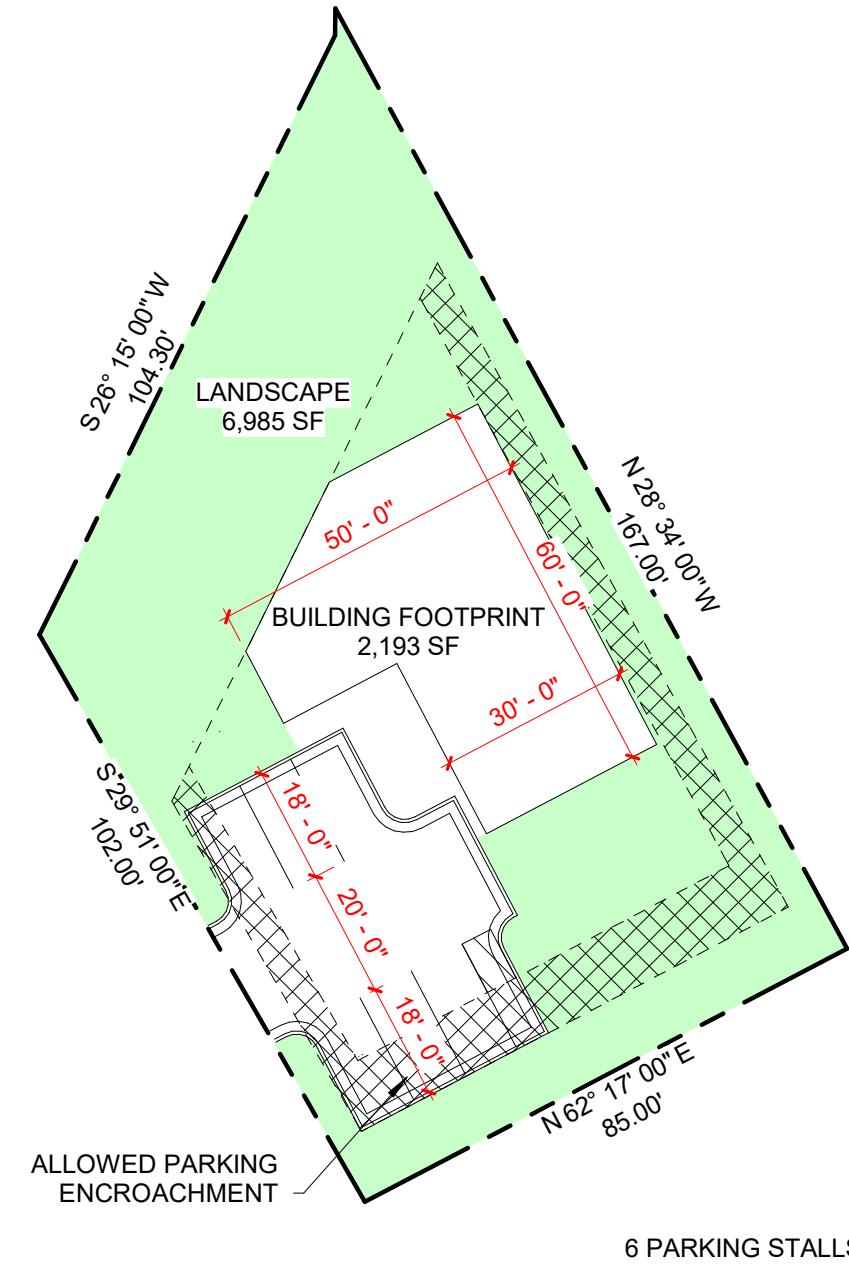
LOT AREA: 11,522 SF (0.26 AC)
 BUILD AREA: 5,340 SF
 MINIMUM % OF PROPERTY TO BE LANDSCAPE OR OPEN SPACE: 60% (6,913 SF)
 MINIMUM % OF PROPERTY TO BE LANDSCAPE: 30% (3,456 SF)



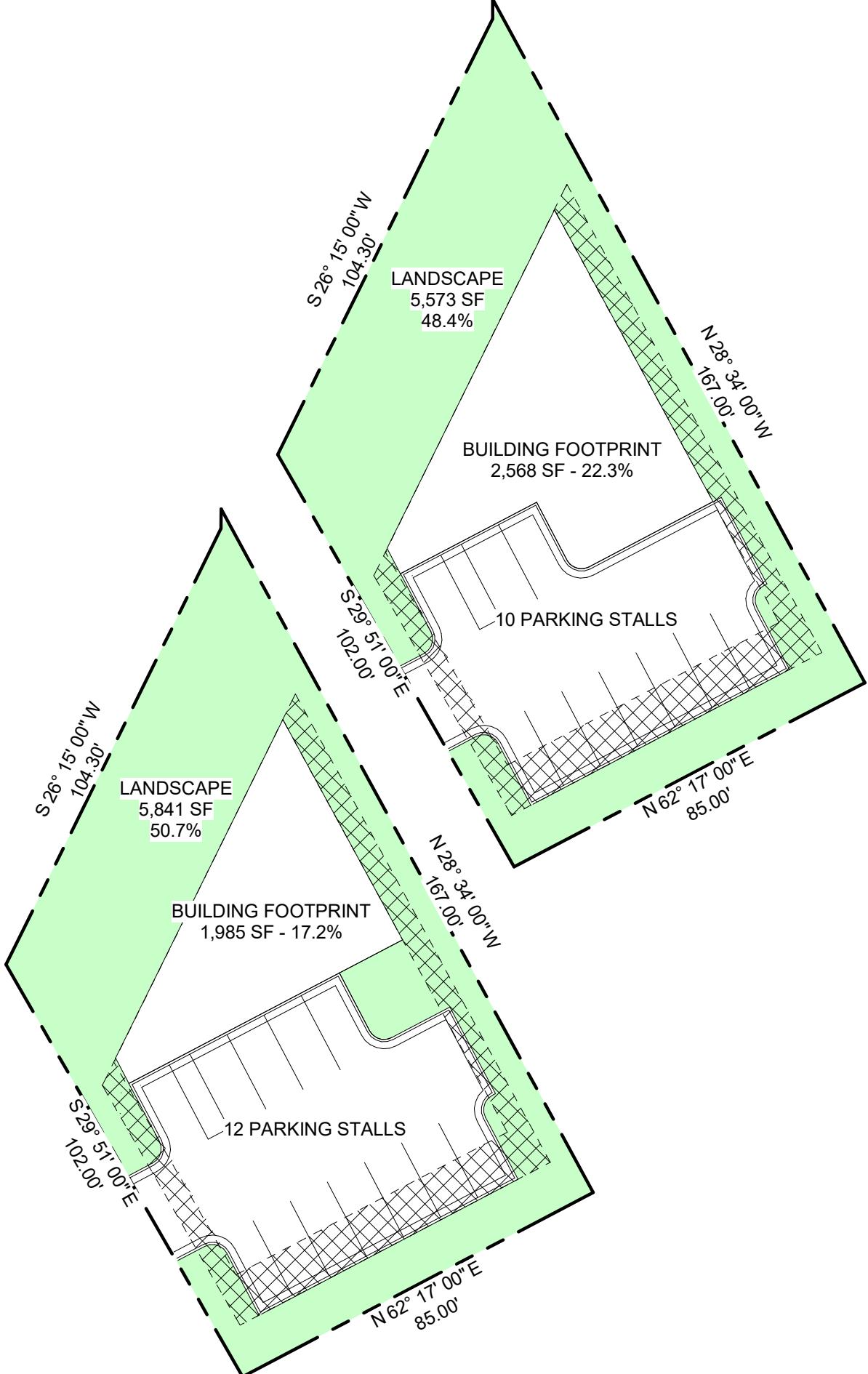
1 SITE - OPTION 1
1" = 30'-0"



2 SITE - OPTION 2
1" = 30'-0"



3 SITE - OPTION 3
1" = 30'-0"



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NO OUTLET
PRIVATE
ROAD
NO
TRESPASSING



DeZion
GALLERY
Local Art
Jewelry
Photography

ZION
CANYON

