



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING  
ON WEDNESDAY JANUARY 15, AT 5:00PM  
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD., SPRINGDALE, UTAH.**

NOTE: Chair Mike Marriott was excused from the meeting and Vice Chair Suzanne Elger was elected to the Town Council; therefore, Commissioners in attendance requested Joe Pitti step in and chair the meeting.

**Meeting convened at 5:02 PM**

**MEMBERS PRESENT:** Commissioners Joe Pitti, Jack Burns, Barbara Bruno, Eric Rioux, and Dawn McComb

**EXCUSED:** Mike Marriott and J. Treacy Stone

**ABSENT:** Tyler Young

**ALSO PRESENT:** Director of Community Development Tom Dansie, Associate Planner Sophie Frankenburg, and Town Clerk Darci Carlson recording. Please see attached list for attendees signed in.

There was a request by staff to switch the ordering of the agenda items.

**Approval of the Agenda: Motion made by Barbara Bruno to approve the agenda with the change that item number 2 on the current agenda be moved to item number 1. Seconded by Jack Burns.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:** Ms. Frankenburg indicated staff had a productive follow-up meeting with Rosenberg & Associates related to the Virgin River Management Plan Erosion Hazard Zone Study. Data compiled over the last six months was rolled into a draft. This draft would be presented to the community at a public information/education session to be held January 29<sup>th</sup> at the Community Center.

The road improvement project on Winderland Lane had begun. The first stage would consist of storm drain improvements followed by repaving. The Town anticipated the project would be completed by the first of March.

**A. Action Items**

**1. Public Hearing – Conditional Use Permit Modification: Request to modify the conditions of approval of the conditional use permit for a public parking area at 445 Zion Park Boulevard by changing the point of access from SR-9 into the parking area - Travis Barney:** Mr. Dansie provided a brief summary and explained any use generating more than ten vehicular trips per day required a parcel be located on a dedicated public street. In order to satisfy this standard, the original permit was conditioned the Valley Residential (VR) parcel be combined with the Whiptail Grill parcel. This modification request now sought to combine the Valley Residential parcel with the Zion Canyon Campground parcel in order to remain compliant with the ordinance concerning access from SR-9.

- Although a relatively straightforward request, the staff report outlined a number of complex issues associated with this modification.
- One public comment letter was received from an adjacent property owner. The remarks did not voice specific objection but identified possible impacts the existing parking lot could have if combined with the Zion Canyon Campground parcel.

Although CUPs for public parking in the Valley Residential Zone were no longer allowed, Mr. Dansie explained the Planning Commission should review the requested modification in terms of compliance with the standards in place when the permit was issued, as well as conditions attached to the motion.

**Commission questions to staff:** Ms. Bruno asked if the 2017 CUP was granted specifically for paid public parking or parking. The staff report indicated Mr. Ferber did not intend to operate a paid parking lot but use the parcel to support the commercial businesses. It was not clear the parcel would continue to be used as a parking area.

- The Town's definition of public parking did not hinge on payment; public parking was available with or without charge but could not be developed to support another commercial business. The CUP was specifically for public parking. Mr. Dansie suggested the Commission discuss whether the proposed use would continue to meet the definition.

Mr. Pitti asked if Mr. Ferber could continue to operate a parking lot on a Valley Residential property.

- Although not currently allowed, the 2017 CUP allowed public parking on this VR parcel into perpetuity. If the modification was permitted, public parking could continue.

Mr. Burns asked if the original CUP required public restrooms.

- There was a requirement that patrons use restrooms at the Whiptail Grill. Should the CUP be modified, staff recommended a condition that public parking patrons be allowed to use facilities at the Zion Canyon Campground.

Ms. McComb asked what Mr. Ferber intended for the parcel.

- Mr. Dansie said staff did not receive anything definitive.

**Public questions to staff:** None were asked.

**Summary explanation/presentation of the hearing item by the applicant:** Travis Barney was in attendance. Regarding use of the parcel, he indicated access to parking would shift to the campground.

**Commission questions to applicant:** Ms. Bruno questioned the use of the parking.

- Mr. Barney said he believed it was intended for hotel and check-in parking.

Mr. Burns asked if the use would remain public parking or be parking for Mr. Ferber's business patrons.

- Mr. Barney did not know the specific answer. There had only been informal discussions.

Mr. Pitti asked about the parcels being combined then separated again.

- Mr. Barney indicated Wayne Hamilton had a survey done which separated the property into two parcels again. He was unaware of this until the property tax bill was received. Mr. Ferber would acquire the VR parcel and then combine it with the intervening parcel (indicated as the Deed Gap Area on the map) and the campground parcel.

Mr. Pitti asked how solidified plans were with Mr. Ferber.

- Mr. Barney said plans were fairly solidified however Mr. Ferber wanted to wait until the CUP modification had been approved by the Council before continuing to move forward.

**Public questions to the applicant:** None were asked.

**Motion to open public hearing made by Dawn McComb. Seconded by Barbara Bruno. McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

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

**Motion to close public hearing made by Jack Burns. Seconded by Dawn McComb.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

**Planning Commission deliberation:** If the existing thirty-two (32) public parking spaces were to remain, Ms. McComb said the request seemed to meet parameters.

Mr. Pitti was amenable to the concept, but felt the application was not unified since it did not contain clear notification, permission or intent from Mr. Ferber. It was all conjecture at this point. Mr. Burns agreed.

- Ms. Bruno thought this irrelevant since the question was whether to allow the parcel to be combined with another. She was more concerned about the public parking requirement. The parcel should not be private parking for Mr. Ferber's property but public parking that included his guests.

Mr. Pitti reiterated his concern about the lack of detail in the proposal. He understood issues had likely been discussed with the Town and Mr. Barney, however there was no concrete information provided to the Commission.

- Since the wash project was not finished, Mr. Rioux noted there wasn't a rush to approve the request since the public parking area would still exist.
- Mr. Barney said this request was not time sensitive for him. Mr. Ferber would likely not proceed with any plans until the Council approved the CUP modification.

The Commission discussed the need for Mr. Ferber to verify his understanding of what the CUP required.

- Mr. Barney added the parcel could not be developed beyond the thirty-two (32) parking spaces currently there.

Based on code, the Planning Commission had to forward a recommendation to the Council within sixty-days from the date the CUP modification request was submitted.

- Since the Commission agreed to the request in concept, Mr. Burns said if Mr. Ferber submitted a letter to the Town which acknowledged his support, permission, authorization and understanding of what this meant as the property owner, he supported a recommendation for approval.

**Motion made by Jack Burns, that based on the findings discussed in the Commission deliberation, the Commission recommends approval of the conditional use permit modification to allow the public parking area to be combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel. All conditions of the original conditional use permit issued in 2017 continue to apply to the use, except as specifically modified here: 1) Existing condition #1 on the permit is modified to read as follows: The subject parcel must be combined with the Zion Canyon Campground parcel (S-95) and the intervening parcel (S-103-B-1); 2) Existing condition #2 on the permit is deleted; 3) Existing condition #7 on the permit is modified to read as follows: The applicant is required to provide adequate public restroom facilities to parking facility patrons which will be provided through the businesses on the Zion Canyon Campground parcel; 4) The Town must receive a letter of authorization from Stewart Ferber that acknowledges his understanding and support for the proposed change, and further, his understanding what the**

**implications of the change will mean as it relates to his parcel and the conditional use. Seconded by Barbara Bruno.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

Mr. Dansie was excused from the remainder of the meeting.

**2. Public Hearing – Amended Subdivision Plat: Review of proposed plat amendment application to combine parcels S-BIT-1 and S-BIT-2 into one single parcel in the Bit and Spur Subdivision - Ryan Lee:**

Ms. Frankenburg provided a summary explanation. She said the development approved in the Design/Development Review, and the amended conditional use permit approved by Council in December, were only possible if these two lots were combined. The proposal would create parcel S-BIT-1-A as referenced on the proposed plat amendment. The shared property boundary would be removed and no other lot line adjustments would be made.

- Ms. Frankenburg assessed lot area, lot width and frontage, setback, and landscaping. According to staff, all were in compliance.

**Commission questions to staff:** None were asked.

**Public questions to staff:** None were asked.

**Summary explanation/presentation of the hearing item by the applicant:** Ryan Lee was in attendance and said this request eliminated the lot line between the two parcels and formally amended the plat.

**Commission questions to applicant:** Ms. McComb asked about future building on the lot.

- Mr. Lee said development approval had already been received.

**Public Questions to the applicant:** None were asked.

**Motion to open public hearing made by Barbara Bruno. Seconded by Ric Rioux.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

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

**Motion to close public hearing made by Dawn McComb. Seconded by Barbara Bruno.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

**Planning Commission deliberation:** Mr. Pitti said the Planning Commission had reviewed the conceptual drawings and future use of this project. This was essentially a housekeeping issue to pull everything together and officially combine the lots.

**Motion made by Barbara Bruno that the Planning Commission recommends approval of the plat amendment combining lots S-BIT-1 and S-BIT-2 into a single lot S-BIT-1-A as referenced on the proposed amended plat. This motion is made specifically because the Commission finds the applicant has met all the requirements for lot area, lot width and frontage, setbacks, and landscaping. And that neither the public nor any person would be materially injured by this amendment. With the following condition: 1) The amended plat must be recorded with the Washington County Recorder's Office prior to a building permit application. Seconded by Jack Burns.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

**3. Nomination and recommendation for the 2020 Planning Commission Chair and Vice Chair:** Mr. Pitti explained each year the Commission recommended a new Chair and Vice Chair. Mr. Marriott's term would be up soon and Ms. Elger had been elected to the Town Council.

Mr. Pitti nominated Mr. Burns as Chair, stating he always came prepared and brought an even tone to the conversation.

- Mr. Burns appreciated the vote of confidence.

Mr. Pitti nominated Barbara Bruno as Vice Chair.

**Motion made by Joe Pitti to recommend the nomination of Jack Burns for Planning Commission Chair and Barbara Bruno for Vice Chair. Seconded by Dawn McComb.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

#### **B. Consent Agenda**

**Motion made by Barbara Bruno to approve the minutes of December 4<sup>th</sup> and January 7<sup>th</sup>.**

**Seconded by Ric Rioux.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

#### **C. Adjourn**

**Motion to adjourn at 6:06pm made by Dawn McComb. Seconded by Ric Rioux.**

**McComb: Aye**

**Bruno: Aye**

**Pitti: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**

\_\_\_\_\_  
Darci Carlson, Town Clerk

APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

**A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or via email at [springdale@infowest.com](mailto:springdale@infowest.com) for more information.**

PENDING APPROVAL



PO Box 187 118 Lion Blvd Springdale UT 84767

### ATTENDANCE RECORD

Please print your name below

Meeting Planning Commission Regular Meeting Date 1/15/2020

Travis Barney  
Name (please print)

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Name (please print)

RYAN LEE  
Name (please print)

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**Memorandum**

**To:** Planning Commission  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 10, 2020  
**Re:** **January 15, 2020 Planning Commission Meeting**  
**Conditional Use Permit Modification: Request to Revise Conditions of Approval Parking Lot – Parcel S-105 (S-103-G), 445 Zion Park Blvd, Travis Barney**

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**Overview**

In 2017 the Town approved a conditional use permit to operate a public parking facility on parcel S-103-G (now parcel S-105), located adjacent to the rear of the Whiptail Grill. The parcel is zoned Valley Residential (VR). Until early 2017, public parking areas were allowed as a conditional use in the Valley Residential zone. The Town has since amended the code and removed public parking as a conditional use in the VR zone.

The general standards for conditional use permits require uses which generate more than 10 vehicular trips per day to be “located on a dedicated public street.” (See 10-3A-4(F)) To ensure compliance with this standard, the Council imposed a condition on the permit that required the VR zone parcel S-103-G to be combined with the Whiptail Grill parcel (S-104-A) which is adjacent to SR9. This lot combination allowed the Council to determine affirmatively that the public parking area was “located on a dedicated public street.”

Travis Barney, owner of the public parking area, is now requesting a modification of this condition of the permit. Mr. Barney is requesting that the public parking area parcel be combined with the Zion Canyon Campground parcel (S-95) instead of the Whiptail Grill parcel (S-104-A). Access to the public parking area would then come off SR9 and through the campground. Access to the parking would no longer come off SR9 and through the Whiptail Grill parcel.

Mr. Barney intends to transfer ownership of the public parking facility to Stewart Ferber, owner of the Zion Canyon Campground. This transfer will not be possible unless the condition of the permit is modified to allow the public parking area parcel to be combined with the campground parcel instead of the Whiptail Grill parcel. This will also allow access to the parking area to come through the campground, and not the Whiptail grill.

Even though the Town no longer allows public parking as a conditional use in the VR zone, the conditional use permit standards in place at the time the permit was issued, as well as the conditions of permit, are still binding on the public parking use. The Town should review the requested modification in terms of compliance with the standards in place when the permit was issued, as well as the conditions attached to the permit.

**The sole question for the Town to consider is:**

***Will the public parking area continue to meet all the standards for public parking area conditional use permits in the VR zone if the public parking area is combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel?***



The following additional information is important background to frame the Town's analysis of the requested modification:

- The public parking parcel (S-103-G) was combined with the Whiptail Grill parcel (S-104-A) in January of 2017, in fulfillment of the condition of the permit. Staff confirmed this lot combination with the County Recorder in January 2017. Recorder's notes on the Whiptail Grill parcel indicate the combination was complete in January 2017. However, after the lot combination was completed, Mr. Barney and Wayne Hamilton (who owns adjacent property not involved with the conditional use permit) filed a Record of Survey to clarify the location of the lot line between their respective properties. Although the purpose of the record of survey was to clarify the lot line between Mr. Barney and Mr. Hamilton's property, it had the secondary and unintended effect of uncombining the public parking parcel from the Whiptail Grill parcel. When the Record of Survey was recorded, the County Recorder uncombined the public parking parcel from the Whiptail Grill Parcel. The Recorder also gave the public parking parcel a new parcel number (S-105).
- The public parking parcel is separated from the Zion Canyon Campground physically by a large wash. It is not currently possible to access the public parking parcel from the campground parcel in a vehicle. Mr. Ferber has applied and been given approval to install a box culvert in the wash. Once this work is complete it will be possible to have vehicular access from the campground to the public parking parcel on top of the box culvert.
- There is a commercially zoned parcel (S-103-B-1) in between the public parking parcel and the campground parcel. Access to the public parking parcel would need to cross this intervening parcel. Mr. Ferber owns this intervening parcel. This parcel (S-103-B-1) would need to be combined with the campground parcel (S-95) in order for the public parking parcel (S-105) to also be combined with the campground parcel.
- According to the Record of Survey discussed above, there is a deed gap between the public parking parcel and the Whiptail Grill parcel, as well as between the public parking parcel and the intervening commercially zoned property (S-103-B-1) adjacent to the campground. The deed gaps need to be rectified in order for the public parking parcel to be combined with either the Whiptail Grill parcel or the campground parcel.
- Because the box culvert in the wash is not currently installed, and therefore access from the campground is not currently possible, Mr. Barney would like to continue to operate the paid parking business on the public parking parcel. Mr. Barney is requesting the Town modify the condition on the permit to allow the public parking parcel to be combined with the campground parcel, but also allow him to continue to operate the paid parking business until there is vehicular access to the parking area from the campground.
- Staff understands Mr. Ferber does not intend to operate a paid parking business on the public parking area. Rather, he intends to use the public parking area to support the commercial businesses on the campground parcel.

An aerial image and map showing some of the information above is attached to this report.

***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
3. Conditional Use Permit

### ***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 should deny the conditional use permit.

The Town analyzed the proposed parking area for compliance with these standards at the time the permit was issued (2017). At that time the Town found the use met all the standards, subject to the conditions of the permit, and issued the permit.

The Town does not need to reanalyze the public parking use for compliance with all the conditional use permit standards. That analysis has already been done. The Town only needs to analyze how the requested modification (combining the public parking with the Zion Canyon Campground instead of the Whiptail Grill) will impact compliance with the standards.

### ***General Standards***

There are six general standards with which all conditional permit requests must comply (see section 10-3A-4). They are analyzed below.

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

When reviewing the original conditional use permit for the public parking area, the Town analyzed compliance with land use standards. The Town found the parking area would comply with all these standards. As constructed, the parking area continues to comply with these standards.

The Town should consider whether combining the public parking parcel with the campground parcel, instead of the Whiptail Grill parcel, will impact compliance with these standards.

Since both the campground parcel and public parking parcel currently comply with all applicable land use standards, staff finds that this conditional use standard will continue to be met if the public parking parcel is combined with the campground parcel.

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

The public parking area has been in operation for the past two years, without any documented interference with the lawful use of the surrounding properties. Changing the access point from the Whiptail Grill parcel to the Zion Canyon Campground parcel is unlikely to have any negative impact on surrounding properties, with the exception of the Ferber-owned intervening parcel (S-103-B-1).

The proposed new access would traverse parcel S-103-B-1, thereby interfering with its lawful use. However, this property (S-103-B-1) is owned by Mr. Ferber, who will also own the public parking parcel. Mr. Ferber's plans are to use the public parking parcel in conjunction with the development on the campground parcel and intervening parcel (S-103-B-1). In this way the public parking use will complement, rather than interfere, with the lawful use of parcel S-103-B-1.

#### ***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.***

During review of the original conditional use permit the Town expressed concern about the public parking use's potential to create the need for additional public restrooms, which the Council found are

Dear Springdale Planning Commissioners, Mayor Smith, Tom Dansie,

To address tonite's public hearing, please include my statement below in your hearing.

The sole question for the Town to consider is:

Will the public parking area continue to meet all the standards for public parking area conditional use permits in the VR zone if the public parking area is combined with the Zion Canyon Campground parcel, instead of the Whiptail Grill parcel?

Addressing General Standards, section 10-3A-4-B:

“The proposed use shall not interfere with the lawful use of surrounding properties.”

Park Lane History:

Being a 40 year resident of that neighborhood who knew well the past residents of these properties for some 40+ years before me, the original intention of Park Lane was to allow Warren Hamilton, Wayne's father, to be able to access the agricultural acreage property east of my property. Without this access, the Hamilton property would be in landlock. As a neighborly favor, the Dratter's and Reusch's got together and granted an easement to Hamilton to access his property, that access is now Park Lane, between my property and Travis's. The zoning map came along in 1983 (?) designating the Dratter property (S-103-G) residential and the zone remains residential with the conditional use permit. This lot was used agriculturally until Travis put in the parking lot in 2017. Historically, it has never been used residentially to my knowledge.

**Please accept this as documented interference:**

I have done all the maintenance for Park Lane. Traffic there has increased considerably with the parking lot. Often with music blaring, Whiptail employees speed up and down Park Lane to and from work having been instructed to use that access rather than the south side of Whiptail Grill. Tourists coming and going from the parking lot use Park Lane to reach Zion Park Blvd. They wander into both mine and the Hamilton property. My property has been impacted negatively by this increased traffic.

If this change is granted, I strongly request that ALL Whiptail Grill employees and tourist traffic be directed to the south side of the building as to not interfere with me, the surrounding property. I request a gate be installed, kept locked and used only as needed. This gate should be included in final compliance with the requested changes.

General Standards, section 10-3A-4-D:

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

Thus far, the existing property has complied. However, if the property is to be used as a waiting area for registration for the campground, engines must be turned off while parked & waiting. This is of high concern to me and without question will adversely impact noise & my air quality.

General Standards, section 10-3A-4-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.*

I am not aware if Springdale has an ordinance concerning the finished side of a fence be placed to the outside of the property. In this is the case, the finished side of this fence is to the inside of the property. We neighbors look at the framed, unfinished, side of this fence, not a pretty sight.

In conclusion and my opinion, I see the parking lot being used as a holding/waiting area for the campground as a great idea hopefully solving the congestion that registration of large RV's currently causes on SR-9.

Please document and honor my complaints and concerns about Park Lane within this conditional use change request to ensure that, General Standards, section 10-3A-4-B: "The proposed use shall not interfere with the lawful use of surrounding properties."

Sincerely,

Julie C. McKown

425 Zion Park Bl.

Flanigan's Villas

Springdale, UT. 84767