



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING  
ON WEDNESDAY FEBRUARY 20, 2019 AT 5:00PM  
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

**Meeting convened at 5:00PM**

**MEMBERS PRESENT:** Chair Mike Marriott, Allan Staker, Suzanne Elger, Jack Burns, Tyler Young and Cindy Purcell from Zion National Park

**EXCUSED:** Joe Pitti

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

With the absence of Joe Pitti, Tyler Young would be a voting member of the Commission this evening.

**Approval of the Agenda: Motion made by Allan Staker to approve the agenda; seconded by Suzanne Elger,**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:** Ms. Frankenburg announced the Virgin River Management Plan (VRMP) was in the process of being finalized. She invited the public to join in a river walk at River Park on March 25<sup>th</sup> starting at 5pm. The event was being organized to engage the community and inform them of the work being done on the VRMP.

**Action Items**

**1. Public Hearing: Design/Development Review – Ferber Enterprises LLC, represented by Stewart Ferber, has requested review of a 13-unit cabin development on two Village Commercial lots located at 1423 and 1437 Zion Park Boulevard:** This DDR intended to develop transient lodging units and office space. The proposal appeared to meet applicable standards in the Town code, although Mr. Dansie recommended the Commission require more detail regarding the quantity and species of landscape, and location detail for outdoor lighting fixtures. Color and material samples had been provided by the applicant for approval. In order to facilitate the development, Mr. Dansie indicated the two lots would need to be combined into one lot.

**Commission questions to staff:** Mr. Burns asked about parking spaces and encroachment into the setback.

- Mr. Dansie explained ten (10) parking stalls encroached into the side setback. According to criteria in section 10-11B-7(A)(7), the Planning Commission could approve this allowance.

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

**Commission questions to applicant:** Stew Ferber was in attendance to answer questions.

Mr. Burns asked about the turnaround noted on the plan.

- Mr. Ferber explained this was a small hammerhead designed for fire truck turnaround.

In answering Mr. Young's questions, Mr. Ferber confirmed he intended to submit a more detailed landscape and lighting plan. In addition, he noted the parking space encroachment was needed to make them fit; although he acknowledged they could be redesigned at an angle. A storm water management plan would be submitted once construction drawings were completed.

Mr. Burns inquired about a roadside sign.

- Mr. Ferber did not anticipate a roadside sign, but if one was needed it would be subtle.

Ms. Elger asked about the exterior materials.

- Mr. Ferber said he would use low maintenance concrete materials resembling wood.

Mr. Staker asked about fencing.

- Mr. Ferber confirmed fencing between properties would be constructed.

Mr. Marriott questioned if nearby neighbors had weighed in on the five-foot (5') setback allowance.

- Mr. Ferber indicated they had not but said he planned on planting trees to create a screen for neighbors.

**Public questions to applicant:** Shauna Young asked what the cabins would look like.

- Mr. Dansie displayed the proposed design from the staff report.

**Motion made by Suzanne Elger to open public hearing; seconded by Tyler Young.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

**Public Comments:** Allan Staker excused himself from the dais to read comments on behalf of his wife Kristi Staker. Ms. Staker's full letter was entered into the record (Attachment 1).

**Motion made by Suzanne Elger to close public hearing; seconded by Allan Staker.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

**Commission deliberation:** As a neighbor, Mr. Staker voiced he was in favor of the development. He indicated he and his wife had lengthy meetings with Mr. Ferber who agreed to move the bottom cabin closest to their home.

Ms. Elger raised concern about the lack of detail in the landscape plan. Given the density, she asked if there was enough space for all the required landscaping. Ms. Elger preferred to see the complete plan before moving forward with approval.

- Mr. Marriott agreed the landscape plan would be a critical element.

Mr. Marriott asked if there was thought to varying the architecture.

- Mr. Ferber indicated the cabins were designed to be the same but they could vary exterior materials.

When making a recommendation, Mr. Burns said it was important to have a complete application, including the landscape plan. He was concerned about the parking space setback.

- Mr. Ferber suggested the parking spaces could be angled. As currently designed, the parking spaces helped keep privacy between the units.

Mr. Young disclosed his family owned commercial property across the street from this proposed development so he had interest in how the development looked.

The Commission discussed concerns about the landscape plan.

- Mr. Dansie reassured review of the plan was fairly perfunctory and could be managed by staff.

Mr. Young asked the legal requirements involved in merging the lots.

- Mr. Dansie explained to be in compliance with all land use standards, the two lots needed to be joined into one. To accomplish this, a new deed would be recorded with the county.

Mr. Dansie advised any conditions made in a motion must be backed up by requirements in the ordinance.

**Motion made by Tyler Young that the Planning Commission approve the Design/Development Review for this cottage commercial development by Stewart Ferber at 1437 and 1423 Zion Park with the following listed conditions as part of the approval: 1) Mr. Ferber go through the process of merging his two lots so he is in compliance with setback requirements; 2) He submit final details for a landscape plan that include the exact types of plants and trees that fit the Town approval list and that show the right quantity of landscaping; 3) He submit to the Town staff a detailed lighting plan showing locations of all the fixture lights on the buildings; 4) Fencing will be put up between the commercial and residential properties that is mutually agreeable with the neighbors; seconded by Allan Staker.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

## **2. Continued discussion from December 5, 2018 and January 16, 2019: Design/Development Review – General housing and office space building at 198 Zion Park Boulevard – Dennis Brooks:**

The proposed development was for general housing and office space behind Thai Sapa. The Commission had reviewed the proposal previously and voiced concern about natural hazards including flooding, rockfall, landslide and other potential hazards.

In response to concerns, the applicant had produced a geotechnical report, flood hazard study, and follow-up letter addressing rockfall hazards. The Planning Commission had also asked for a third-party review of these studies and the Town engaged with Terracon Consultants to review the submitted documents. The result of Terracon's analysis was that some level of risk existed but without additional studies they did not forward an opinion if the natural risks on the property presented an unreasonable risk per Town code section 10-11B-12(A).

Mike Brooks, the project contractor, was in attendance to address questions. He said a number of engineers had reviewed the property and suggested mitigation measures. Regarding the slide potential, Mr. Brooks understood concerns. Terracon's recommendation to conduct an off-site boring to identify the slip joints was not supported by an ordinance. Mr. Brooks did not believe this proposed development was any riskier than others allowed to develop nearby. He specifically called out the Subway as an example. The property owner Dennis Brooks wrote a letter to the Commission for their consideration which Mike Brooks submitted for the record (Attachment 2).

Mr. Marriott read from a section of the Terracon report which stated “potential movement of the landslide could impact the planned development. It is the reviewer’s opinion that placing an occupied residential building at the toe of a very high hazard classified landslide involves above normal risk, possibly unreasonable risk, to the structure and occupants”. He asked if the applicant had provided any new updates or mitigating steps within the design to address these concerns.

- Mr. Brooks felt the eight-foot (8’) walls, footings, and rebar columns called out in the design were enough given the report opinions. He reminded the development would not disturb the toe of the landslide based on how the building would be situated.

Mr. Burns said additional studies recommended in Terracon’s report had not been conducted on the property.

- In the Landmark study, blue clay was identified, however Terracon wanted an off-site bore to help determine if, how, and where the geologic formation could slip.

Mr. Marriott noted there were no specific recommendations relative to drainage and rockfall.

- After questioning Terracon about this, Mr. Dansie said the reviewer focused on the landslide hazard since it was seen as the bigger risk.

Based on the three risks - landslide, water management, and rockfall – Ms. Elger asked what mitigation measures were being taken to address them.

- Platt Engineering determined an eight (8’) to ten-foot (10’) wide, one-foot (1’) deep ditch with riprap would be sufficient for drainage of a 100-year flood.
- The Springdale Layer was discussed in the reports, however Mr. Brooks noted much of the Town was in the same danger of this rock shelf. Three boulders on the hill would be removed during excavation. A retaining wall would be constructed for the parking area.
- The development would not disturb the toe of the landslide. Mr. Brooks said the architect had drawn this building to be very similar to other buildings being built.

Mr. Burns asked if the slide was still moving.

- Mr. Brooks said it was moving slightly every year.

Based on information in the initial engineering reports, Mr. Staker commented the existing drainage was sufficient to carry water from rainfall which generally occurred in the area. The only rock layer of concern was the Springdale Member of the Moenave Formation. Should a chunk fall, there were lots of undulations where the rock could roll and not approach the development area, hence Mr. Staker did not see a significant danger from rockfall. Slide movement was the bigger question. Landslides loosened the hillside but then recrystallized and no one knew if they would ever move again. Many homes in the foothills of Springdale were built on similar material.

Mr. Young noted the Terracon report identified an above-normal risk to toe movement of the landslide that could potentially impact the building. To him, this sounded like an unreasonable danger.

- Mr. Dansie said the Town had been monitoring the landslide for the past five years using twenty (20) different monitoring targets and it had moved fractions of an inch during this time. There was no such thing as a stable slope, but based on the survey results, Mr. Dansie was unsure if the movement was the result of landslide or hillside creep.

Mr. Young felt it important for the Commission to consider the lifespan of the building. He believed rockfall and water issues were mitigatable but potential landslide was not. Mr. Young agreed other buildings were at risk too but they were not residential units.

- Mr. Marriott noted there were residences approved above the Subway building. He felt there was a way forward with this application based on what was discussed.

Mr. Burns could not support the development. He said the professional opinions received to-date were flashing yellow lights.

- Ms. Elger agreed. Given water management, rockfall, landslide and permanently occupied residences, the risk seemed unreasonable. There was enough warning information in the technical reports.

Mr. Marriott said the Commission had approved other projects, including residential units above the Subway, and therefore questioned why this was unreasonable.

- Mr. Dansie confirmed the DDR and CUP for the Subway transient lodging units went before the Planning Commission.
- If the slide was the main concern in the discussion for this property, but was a nonissue for an adjacent property, Mr. Marriott wanted to ensure deliberations were fair.

Mr. Young was not comfortable the natural hazard risks were mitigated enough to say they were reasonable.

**Motion made by Suzanne Elger to deny the proposed Design/Development Review for the housing and office building at 198 Zion Park Boulevard. The motion is based on the following finding: The Planning Commission finds that the project is not allowed based on Chapter 10-11B-12A Special Regulations Natural Hazards that construction of permanent structures shall not be permitted, erected or 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. In addition to compliance with the provisions of the building code governing standards to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation to bear the burden of so developing and/or improving the property in such a manner that the property and/or general public are safeguarded from unreasonable risk of harm; seconded by Tyler Young.**

Mr. Dansie recommended the motion include findings as to why the development would place people at unreasonable risk for natural hazards. Or, the motion could express the Planning Commission's intent to deny the application allowing time to pull specific sections and details from the engineering report and deliberations to support the decision.

**Vote on the original motion.**

**Staker: No**

**Elger: No**

**Marriott: No**

**Burns: No**

**Young: Aye**

**Motion failed.**

**Motion by Suzanne Elger for the Planning Commission to declare its intention to deny the proposed Design/Development Review for the proposed housing and office building at 198 Zion Park Boulevard. The Planning Commission would like to direct staff to summarize our discussion this evening with supporting information from the geotechnical reports that have been provided at this point and support the findings of the Planning Commission that the potential hazards from the flood, landslide and rockfall for this particular property present an unreasonable risk for development; seconded Tyler Young.**

**Staker: No**

**Elger: Yes**

**Marriott: No**

**Burns: Yes**

**Young: Yes**

**Motion passed.**

**3. Sign Permit: Zion Canyon Lodge (previously known as the Terrace Brook Lodge) located at 990 Zion Park Boulevard – Utah Hotel Group:** This property was located in the Central Commercial Zone. The sign permit would allow for the construction of a free-standing sign and building-mounted sign. Both signs would be internally illuminated, however the graphics would not be illuminated.

Ms. Frankenburg recommended the Commission verify the free-standing sign would be installed three-feet (3') from the right-of-way, and the building-mounted sign installed less than fifteen-feet (15') from the ground.

Mike Turnbow from Turnbow Signs was in attendance to answer questions. He provided material and color samples for the Commission to consider. The rock for the free-standing sign base would match the stone material used on the building. Mr. Turnbow confirmed the contractor could verify the right-of-way location based on the property lines and the free-standing sign would be installed three-feet (3') back from this measurement.

**Motion made by Suzanne Elger to approve the proposed signs for 990 Zion Park Boulevard. The Planning Commission finds that the signs are in compliance with Chapter 10-24 Signage, with the following conditions: 1) The applicant must verify with measured drawings that the freestanding sign is three feet from the right-of-way; 2) The applicant must verify that only the text on signage will be illuminated; seconded by Jack Burns.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

The Commission took a brief break. The meeting resumed at 6:41pm.

Mr. Marriott was a participant in the next two agenda items and therefore recused himself. Ms. Elger took over as Chair.

**5. Continued discussion from November 7, 2018: Zone Change Request - AIL Group, LLC, represented by Mike Marriott, requests a zone change from Valley Residential (VR) to Valley Residential – Cottage Housing Development Overlay (VR-CHD) on parcel S-141-NP (immediately south of the Canyon Vista Bed and Breakfast). The zone change will allow the development of 11 cottages on 2.28 acres:** The Planning Commission had considered this zone change request in a previous meeting. During their analysis concerns were raised about density and unit count, style of development, impact on surrounding neighborhood character and, impacts on the adjacent properties. Revised drawings submitted by the applicant showed eleven (11) cottages, removal of the common building, and limited asphalt/pavement surfaces.

Mr. Dansie noted public comments were received during the public hearing and in written form.

Mike Marriott elaborated on the changes from the previous proposal submission which helped to address the density and asphalt drive concerns. One cottage was removed and the development was reconfigured to remove asphalt. The landscape requirement was 40% but the current proposal neared 75%. Mr. Marriott felt this location was ideal for a cottage neighborhood since there was not a lot of residential use adjacent to the property. In addition, there was a healthy tree screen to buffer the development. Mr. Marriott said they did their best to utilize recommendations to make the proposal effective.

Although one cottage was removed, Mr. Burns noted the building footprints increased. He also asked the intent of the buildings.

- Mr. Marriott indicated the intent had not been determined. The ownership was open to selling the units or keeping them as lower cost rentals for Springdale employees.
- Mr. Burns said it was important for the Commission to know what the zone change was for and that it met the purpose of the CHD to promote lower cost housing in the private market.

Mr. Young agreed. He did not want these to be used as second homes accidentally.

- Mr. Marriott was unsure of the demand and what the market would do in the future. He commented the property ownership recognized the need for employees to live here and be part of the community.

Ms. Elger asked if AIL was willing to restrict the deed to ensure housing would remain employee housing.

- Mr. Marriott could not answer tonight and would need to ask the ownership group.

Ms. Elger opened up comments to the public.

Kathy LaFave, Springdale resident, commented the intent of the Cottage Housing Development Overlay was to create affordable housing however she felt the opportunity for this to happen had passed. Moenave was intended to be affordable housing but most units were purchased as second homes. Ms. LaFave indicated her home was above this proposed development and would impact her with more lights, noise, and traffic. The proposed density in this location was an issue for her. Ms. LaFave was not in favor of the zone change.

Kurt Goebel owned an adjoining parcel to the east and planned to build a home within two years. When buying the property, Mr. Goebel said he was attracted to the single-family residential area. Working as an environmental consultant, he did a lot of pro-development work however he emphasized the importance of responsible land use that was in concert with the community and neighbors. With eleven units, the cottages could each house 2 to 4 people for a total of 22 to 44 people. Mr. Goebel felt this change would alter the structure of the residential neighborhood in this area. He raised concern about trespass, noise, vehicle traffic, and lights. He believed this zone change request was not congruent with the nature and character of the established neighborhood. Mr. Goebel said he would support this plan if not in a single-family residential area.

Allan Jensen thanked the Commission for allowing comment. Mr. Jensen felt the re-design work was nice. He stated the lot to the north had a low-profile home with two permanent residents, operating as a bed and breakfast. Although a commercial development (Majestic View) was located at the top of the hill, Mr. Jensen commented this was generally not the character of the neighborhood. Mr. Jensen believed the Council could deny an application if it was determined to have adverse effects on neighborhood.

- Mr. Dansie said both the Planning Commission and Town Council had wide discretion in approving or denying zone changes as long as the action was not arbitrary or capricious. Adverse impacts did not obligate denial in and of itself, however impacts on neighbors should be a consideration in evaluating the merits of a zone change.

Mr. Jensen said attempts to bring affordable housing to Springdale weren't working. He felt this development changed the character of the neighborhood and their quiet would be impacted.

Mark Stevens agreed with the comments of other neighbors. He had built on his property in accordance with the ordinances and appreciated the reduced density of the area. A change in zoning would change the character of the neighborhood after everyone was vested. The overlay zone was created for valid reasons but had downsides in that it altered density. He understood wanting to maximize an investment however if affordable housing was not achieved then he questioned the purpose.

Judith Schraut said the Madsen parking lot was denied due to traffic impact concerns. She suspected there would be unforeseen problems with traffic and was not in favor of the zone change.

Luke Wilson said it was rare for anyone to applaud new development. He did feel this development would change the dynamic in the neighborhood however these units would be more affordable to rent and give the end user a cheaper housing option. He felt the end result would achieve the intent of the Cottage Housing Development Overlay ordinance.

Mr. Marriott responded they tried to be sensitive to the area with the design. As a resident and business owner in Springdale he had a vested interest in creating a win-win. Landscape could help mitigate the impact of the structures. The submitted application proposed small, quaint homes versus a more commercial-looking apartment complex with six-units, which would have a greater impact on the local neighborhood.

Ms. Elger said she had considered this request at length. She felt the design changes were good but the Commission should consider the zone change aspect of the proposal.

- Mr. Young said the opinions of neighbors were an important consideration since they would bear the direct impact. There seemed to be strong reaction against this zone change application.
- Mr. Burns agreed public comments were not supportive. Also, without a commitment as to the purpose of the development, he could not support a zone change.

Mr. Staker said the Town Code allowed for a zone change if there was a substantial change in conditions. He felt conditions had substantially changed given the large number of visitors, cars and businesses. Smaller homes, with increased density requiring less land, were needed. These units would be the least expensive in the community. Mr. Staker said the dilemma now was for the Town to decide if it wanted to focus on affordable housing or on density. To him it did not matter who owned the units; this was an ideal opportunity to develop a cottage scale development.

- Mr. Young agreed the Town now had a very different feel from years past. It was more dominated by commercial business property than residential.

The Planning Commission did not have authority to make housing more affordable, however Ms. Elger expressed it did have authority to manage density. The Town could not force a developer to build or sell at certain prices. This parcel was zoned Valley Residential and suggested uses per the Future Land Use Map (FLUM) were open space, agricultural, and low density residential. Ms. Elger said three duplexes would be less dense than eleven (11) cottages. She acknowledged the Majestic View was nearby however it would not be commercial if not for a settlement agreement. Ms. Elger felt approving Mr. Wilson's CHD zone change request was different given the location.

- Mr. Staker said it was arbitrary and capricious to approve Mr. Wilson's development and not this one. This development met all the parameters of what the ordinance was trying to achieve.
- Mr. Burns disagreed and felt every parcel was different. He understood people had the right to develop a piece of property but it shouldn't be at the expense of impacts to neighbors. A number of adjacent property owners had expressed concern this development would change the make-up of the neighborhood.
- Ms. Elger said this development was too dense for the location it was proposed. The detriment it created to the neighboring properties was unacceptable and changed the village character in the area.

Mr. Burns said it was important to protect a sense of arrival into Springdale. He again raised concern this development would not be affordable housing available on the private market.

The Commission discussed deed restrictions. Mr. Dansie said any deed restriction should be supported by language in the ordinance. Therefore, a prohibition on transient lodging would be allowable, however a requirement that units be sold at a certain price was not backed up in the CHD ordinance.

For this particular proposal Mr. Staker felt it was an appropriate location given the businesses nearby and the sloping topography of the lot toward the river.

- Mr. Burns disagreed and felt the development would have a negative and detrimental impact to adjacent properties as voiced through public comment.
- Ms. Elger commented on the negative impacts of traffic and light.
- Mr. Young suggested if cottages were developed on this property the area would still be broken up by big lots.

**Motion made by Suzanne Elger to recommend denial of the zone change from Valley Residential to Valley Residential-Cottage Housing Development Overlay on parcel S-141-NP. The Planning Commission finds that the proposed zone change does not more fully promote the goals and objectives of the General Plan and zoning ordinance, is not correcting errors, or is not accommodating substantial changes in conditions in accordance with section 10-3-2A. Parcel S-141-NP is zoned Valley Residential. The properties to the south and east and west are single family residential. The property to the north is a bed and breakfast. A CHD on parcel S-141-NP does not meet the following General Plan objective: 13.1.1 Ensure new development and redevelopment in the Town is consistent with the Future Land Use Map (FLUM). The FLUM for this**

**parcel indicates it is agricultural/residential. In addition, parcel S-141-NP does not meet these standards of the Cottage Housing Development Overlay Zone: 10-13F-10(C) the proposed development creates no significant detriment to adjacent properties or the adjacent areas in which it is located. The proposed development will increase the noise, traffic, and light in this area to the detriment of adjacent properties. In addition, the parcel is not in compliance with 10-13F-10E The Cottage Neighborhood Design and Layout is compatible with the Town's unique rural village character as identified in Chapter 2 Town Appearance of the General Plan. The density of the proposed development is not compatible with this Valley Residential Zone; seconded by Jack Burns.**

Mr. Young asked what happened if the vote was tied. Mr. Dansie explained three affirmative votes were needed to pass a motion, otherwise it failed. Commissioners should vote either in favor or against. If a Commissioner abstained, they should have declared a conflict of interest and not participated in the discussion at all.

**Vote on the motion:**

**Staker: No**

**Elger: Yes**

**Burns: Yes**

**Young: No**

**Motion failed.**

**Motion made by Tyler Young that the Planning Commission table for further review upon hearing back from AIL and Mike Marriott on planned uses and objectives for this cottage development and future affordability; seconded by Jack Burns.**

**Staker: Yes**

**Elger: No**

**Burns: Yes**

**Young: Yes**

**Motion passed.**

**4. Continued discussion from November 7, 2018: Development Agreement – The Historic Preservation Commission has requested a development agreement between the Town of Springdale and the owners of the Best Western Hotel (668 Zion Park Boulevard). The agreement would transfer ownership of a historic building and the property on which it sits to the Town and would allow the construction of 8 additional transient lodging units on the Best Western: This proposal would transfer the historic structure, and the property on which it sat, to the Town in exchange for an allowance to build eight additional hotel units.**

During their previous discussion, the Planning Commission was concerned about increasing hotel units in general, it not being a good location, the development difficulties in terms of parking and setback, setting a precedent with the agreement, and the historic nature of the building.

Jeff Carlson was in attendance representing the Springdale Historic Preservation Commission (SHPC). Since the last discussion, the goal was to come back with the best solutions to address the Planning Commission's concerns. The SHPC still believed this was a good proposal for the Town and reached out to other organizations to partner and assist with facility operation. These groups included the Paiute Indian Tribe, Zion Canyon Visitors Bureau, and the Zion Forever Project. Each expressed interest in a physical presence in Springdale.

Mr. Carlson elaborated a 'visitor center' element was important because Washington County Commissioners gave indication funds, besides TRT money, could be accessed for this purpose. Involving several groups would create a multi-purpose facility to offer greater support with programs, staffing, events and fundraising.

Other locations in Town were considered and evaluated for this type of purpose. Initially twenty-three (23) properties were identified with six (6) larger parcels recognized for their development potential.

Mr. Carlson met with property owners from Springhill Suites, Steward Ventures, and Zion Canyon Village. The results of these meetings were summarized in the staff report. Likely any situation would require a development agreement. An outright property purchase was unlikely.

The Canyon Ranch proposal was the only one that suggested a gift of property versus a lease. Mr. Carlson noted the developer reduced their requested number of units by 20% from the previous offer. They also committed to help solve parking issues.

Ms. Moss spoke on the intrinsic value of a history center. The purpose of the SHPC was to not only preserve buildings but to preserve values and a way of life. She provided a basic history of the Canyon Ranch building. Ms. Moss acknowledged the Canyon Ranch needed attention but the SHPC felt this solution was the best possible option. She commented there was no equitable way to balance history preservation against a motel room.

Mr. Burns asked about the parking arrangement.

- Mr. Carlson said the parking issue would require a collaboration between the developer and the Town but likely spots would be allocated to accommodate a few cars. Mr. Carlson reminded everyone Springdale was a walking community. This location was near two shuttle stops and hotels.
- It was noted the Best Western property currently had excess parking spaces.

Ms. Elger asked how it was determined this proposal was better than developments in the future.

- Mr. Carlson noted there was community value to this location. In addition, the other concepts were 'maybes' and not tangible.

Ms. Elger asked if partners offered financial backing.

- Mr. Carlson said it was briefly discussed. None of the groups were thought to bring significant financing, but could help with fundraising. Funding could come from the county, taxes, and grant money.

Mr. Staker asked if other entities needed to be involved.

- No commitments had been made. Mr. Carlson explained the primary goal was to address the horsepower available to pull off this project. They could start small and get bigger, suggesting there could be a need for a larger facility in the future.

Mr. Burns asked about issues related to setbacks.

- In order for this property to be deeded to the Town, a new lot line would be drawn. Currently there was not sufficient distance between the structures to meet the required setback distances.

Ms. Elger asked if only museum locations along SR-9 were considered.

- It was important to be where the foot traffic was, however, they also considered property on Lion Boulevard.

Based on their discussions, Mr. Carlson added the Town Manager expressed desire in having this property under Town ownership.

Mr. Staker felt this was a worthy acquisition and a good opportunity for the Town to acquire a building without giving up any financial resources. He understood the Best Western would benefit.

Ms. Elger asked if this proposal would put the Town at a disadvantage in the future in that others would come asking for something.

- Mr. Dansie explained there was a wide degree of discretion to approve or deny development agreements. There was no obligation to approve any proposal.

With respect to the other possible developments that could happen in the future, Ms. Elger suggested there was no sense of urgency with this proposal.

- Nick Ence, property owner, indicated the building was vacant only because this proposal was being considered. They had been in talks with the SHPC for over a year and he said the property would be developed into something else if the proposal did not work out.

Mr. Burns was not happy with all the terms and conditions but felt the location made sense. There were potential multiple uses, and although not a requirement it was a bonus the building was historic.

Mr. Dansie said the Town would still have the deed and retain ownership of the building even if the history center did not work out. The Town would find alternative uses for the property. Additionally, ownership transfer would not take effect until the hotel plans were approved and a permit to build was issued.

Mr. Burns noted the yellow house was not very visible and asked if the fencing could be adjusted.

- Mr. Ence indicated concessions could be made regarding this.

**Motion made by Jack Burns that the Planning Commission recommends approval of the Springdale Historic Preservation Commission's proposed development agreement with the owners of the Best Western Zion Canyon located at 668 Zion Park Boulevard. This motion is based on following findings: that the addition of eight (8) motel units be allowed to be built by Best Western Zion Canyon; with recognition there will be adjustments to setbacks and parking arrangements that are negotiated between Best Western, the Springdale Historic Preservation Commission, and the Town; and that there will be an adjustment to the wood fence in front of the property so the building becomes more visible; and the title will be transferred to the Town of Springdale for the property; seconded by Suzanne Elger.**

**Staker: Aye**

**Elger: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

Mr. Burns acknowledged Mr. Carlson and Ms. Moss for their diligence. He noted there was a lot to be said when shared vision and passion came together to make something happen.

Mike Marriott returned to the dais as Chair.

**Consent Agenda:**

**Motion made by Allan Staker to approve the meeting minutes from January 16, 2019 and February 6, 2019; seconded by Suzanne Elger.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

**Motion to adjourn at 8:45pm made by Allan Staker; seconded by Jack Burns.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Burns: Aye**

**Young: Aye**

**Motion passed unanimously.**

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Darci Carlson, 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 2/20/19

Mark Stevens  
Name (please print)

\_\_\_\_\_  
Name (please print)

Stew Fisher  
Name (please print)

\_\_\_\_\_  
Name (please print)

Liz Z...  
Name (please print)

\_\_\_\_\_  
Name (please print)

Shauna Young  
Name (please print)

\_\_\_\_\_  
Name (please print)

Lila Mos  
Name (please print)

\_\_\_\_\_  
Name (please print)

Michael Brooks  
Name (please print)

\_\_\_\_\_  
Name (please print)

HANS DUNZINGER  
Name (please print)

\_\_\_\_\_  
Name (please print)

Kathy LaFare  
Name (please print)

\_\_\_\_\_  
Name (please print)

Hurt Goebel  
Name (please print)

\_\_\_\_\_  
Name (please print)

Luke Wilson  
Name (please print)

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Name (please print)

Judith Schraut  
Name (please print)

\_\_\_\_\_  
Name (please print)

Alan Jensen  
Name (please print)

\_\_\_\_\_  
Name (please print)

Jonell Jensen  
Name (please print)

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Name (please print)

Tacet Hollis  
Name (please print)

\_\_\_\_\_  
Name (please print)

## **Planning Commission Meeting 2/20/2019**

**Re: Proposed Cabin development 1423 Zion Park Blvd, Stew Ferber**

**To: Planning Commission**

Allan and I tried for over 10 years to purchase this property and were repeatedly unsuccessful.

We wanted to have it as a 50' buffer between our property and the large commercial tract owned by the Driftwood, which will someday be more hotel rooms.

But, for the record, I believe that people should be able to do what they want to on their own property if it's within what the ordinances allow. In this case, Stew has that right.

I believe that Stew will work with us to address any of our concerns as he progresses with his development. I appreciate his willingness to do that.

I believe neighbors can and should be able to work together in friendship and mutual respect for each other and each other's rights. I believe that can happen with Stew and us on this issue.

Respectfully,  
Kristi Staker

**hchristensen@springdaletown.com**

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**From:** bbrooksmichael [REDACTED]  
**Sent:** Wednesday, February 20, 2019 3:56 PM  
**To:** hchristensen@springdaletown.com  
**Subject:** Fwd: Pc

----- Forwarded message -----

**From:** franksapas [REDACTED]  
**Date:** Feb 20, 2019 2:52 PM  
**Subject:** Pc  
**To:** Mike Const <Bbrooksmichael@aol.com>  
**Cc:**

Hi. Just received engineers' assessment and it looks bad. What do you think? I wrote the note below last night before I got the email from Tom. If you think theres a chance that my note below will do any good go ahead ad read it. If not, then all is lost perhaps this side of a lawsuit, if even that is a possibility. Let me know and thanks. d

Feb. 20th, 2019

To: Springdale, Utah Planning Commission:

As you may or may not know I am currently in Asia and unable to come to the meeting this week to plead my case. I just 12 hours ago received an email from Tom Danzie which included a report or recommendation concerning my apartment, but please keep in mind that I wrote this note before receiving his email. It seems that the gods are conspiring against my plans for this project. I am writing this at the last minute so please excuse any grammatical errors and other details that may lack lucidity, coherence, or even a sense of proper etiquette.

Regardless I decided to write this note in order to express my frustration and disbelief in your body's deliberations concerning the apartment at Thai Sapa. If I were a suspicious person I would be inclined to think that your denials to date are somehow a personal attack against myself and/or my business. How could I think such a thing? Firstly, I have, through my own due diligence, which has been presented to you previously by myself and through my builder, performed and explained the problems of this project and the adequate, if not above adequate, solutions. Secondly, I look around at many of the projects that have been approved on various projects since I have been an active business member of this town and I am disgusted at how lax your body has been at granting questionable projects that could be either potentially dangerous, ecologically dubious at best, or seemingly out right mercenary in allegiance with business interests over quality of life and environment.

Additionally at the last meeting I attended one of your body suggested that somehow the TS structure is more dangerous because people might sleep in it 8 hours daily as opposed to workers working in a similarly situated

structure at the parking facility just south of Thai Sapa for 16 hours a day. However that was granted permission to build just before my project came to the floor. I see hypocrisy, and again if I were a suspicious person I would look for something personal in that granting for the retail structure at the parking facility while denying Thai Sapa 30 min. later.

Regardless, I have had engineers consult and draw up plans to mitigate the problems of blue clay soils and drainage of flood runoff and I have had my builder describe to me in detail how to build this structure to ensure safe habitation indefinitely. For example to draw water and moisture away from the foundation or to create a barrier for steering rock fall away from the building, much in the same way that the highway construction made the wall at the base of the landslide hill across from the Cliffrose. Keep in mind that these people make their living working on engineering and construction problems, and I for one would rather take the advice from professionals than from undereducated members of the PC, or worse yet members of the community who have taken, like myself, a college course in Geology.

Your professional consultant made some valid points, but I would not want to continue putting more money than I already have into this project only to be denied yet again and again. For your information I began consulting with Mr. Danzie over two years ago and received green lights all the way to Sept. of last year, and to date I have spent \$5,700. on plans, tests, backhoe, etc. The test was the biggest expenditure and in the finding it concluded that the floor plan and excavation did not fall within the toe of the landslide, which was not implied by the town of Springdale's most recent consultation from its engineer's assessment. And the implication now is that through more tests and perhaps over-the-top engineering safeguards, perhaps the project would get approval, or perhaps not, costing more time and money. And if no approval occurs Thai Sapa will have spent over \$10,000. and at that point I couldn't afford attorney fees. In fact my attorney has actually recommended that at this point we should begin a suit if I am denied today.

Regardless, I realize that one of the concerns of the PC is to safeguard the incorporated town, residents and visitors alike, but I have presented you with information that ensures that basic levels of safety have been met. San Francisco for example sits in a region of seismic and Plate Tectonic activity, and yet we see no denial of building permits once due diligence has been met. Nevertheless Thai Sapa has held Landslide and Earthquake insurance for the past five as do many buildings and businesses in San Francisco.

Certainly, the PC members like myself, are aware of the inherent risk of living and working in many parts of Springdale, and in the part of town where Thai Sapa sits many businesses are at risk of serious damage in a major event. Subway, which recently added building spaces in a similar spot as my project (curiously without a fuss from the PC), The Cliffrose, The Cable Mountain, and the aforementioned parking lot to the South all would stand to have dangerous conditions following a major seismic or land sliding event. Yet everyone of these businesses has been allowed ongoing permits to refurb and extend themselves following permits from the PC.