

SPRINGDALE APPEAL AUTHORITY PUBLIC HEARING

HEARING

April 13, 2021



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SPRINGDALE APPEAL AUTHORITY MEETING/PUBLIC HEARING

April 13, 2021
1:00 p.m.

Canyon Community Center
126 Lion Boulevard
Springdale, Utah



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Wade J. Van Tassell
- Registered Merit Reporter -
- Certified Realtime Reporter -
- Certified Realtime Captioner -

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A P P E A R A N C E S

Administrative Hearing Officer/Attorney: Kenneth Sizemore
Bryan J. Pattison

For Springdale: Devin Snow
Thomas Dansie
Rick Wixom

For the Appellant: Luke Wilson
Beau Davis

Springdale Personnel: Katy Brown
Darci Carlson

* * *

1 P R O C E E D I N G

2 MR. SIZEMORE: Good afternoon, everybody.
3 My name is Kenneth Sizemore. I'm the
4 administrative hearing officer for the town of
5 Springdale and we've convened here this afternoon
6 to consider an appeal of a planning commission
7 decision and an application for a variance, both
8 being applied for by Zion West Properties
9 represented by Luke Wilson.

10 To begin with, because of our COVID
11 restrictions and being masked and communicating
12 this meeting over Zoom, it's very important that
13 anyone who makes a comment please state your name
14 for the record and make sure that our
15 court reporter can make sure he has you identified
16 for the proceedings. I would please ask that if
17 you do want to make a comment, that you raise your
18 hand and let me recognize you and come to the
19 podium where that is appropriate.

20 From the city administration, any other
21 general directions that we need to give or
22 communications or are we good?

23 MS. CARLSON: We're good.

24 MR. SIZEMORE: All right. So we will
25 begin by considering an appeal from Zion West

1 Properties, represented by Luke Wilson, appealing
2 the planning commission's denial of a
3 design/development review application for a
4 transient lodging facility at 358 Zion Park
5 Boulevard.

6 I would note that per the code, this is
7 not a public hearing. This is a meeting. If there
8 are individuals who do want to make comments, I
9 will provide that opportunity at the appropriate
10 time.

11 I want to begin with by reading from the
12 town code to let you know what my sideboards are
13 and how I approach this appeal. So according to
14 section 10-3-11 subsection C, the person or entity
15 making the appeal has the burden of proving that an
16 error has been made. Every appeal shall refer to
17 the specific provisions of the ordinance involved
18 and shall exactly set forth the error that is
19 claimed. The appealing party's required to present
20 to the appeal authority every theory of relief that
21 it could raise in district court.

22 I would also note that I am considering
23 only where an error can be identified in the
24 proceedings of the planning commission.

25 As far as the procedures this afternoon,

1 I will review my summary of what I've seen from the
2 record, I've got both the appeal and the city's
3 response, and I just want to hopefully summarize
4 what I have taken from those written documents.
5 And then will allow Mr. Wilson, representing the
6 applicant, to make any clarifications from what I
7 summarize and make any other comments.

8 I will then allow the city's
9 representative to review any of the items that they
10 think may not have been clearly identified in my
11 summary.

12 I will then allow the applicant to rebut
13 anything that the city asserts, but only any items
14 that the city identifies.

15 Are there any questions about the
16 procedure?

17 MR. SNOW: None from the town.

18 MR. SIZEMORE: Thank you. So I've
19 reviewed the appeal application and the assertions
20 that I have identified in summary form are that the
21 planning commission overlooked the final
22 conclusions, a final summary of information that
23 was provided, and based their findings on an
24 initial report rather than a final report.

25 Another assertion is that the building

1 site itself is not on the landslide that was of so
2 much concern, but the landslide itself is separate
3 from the building site.

4 Another assertion is that a deep
5 foundation proposed for the proposed structure
6 would actually help the slope instability by I
7 believe the term was soil nailing or soil
8 anchoring.

9 Another is that it's safer to construct
10 on top of the knoll rather than at the foot of the
11 knoll because of the potential sliding action that
12 might happen.

13 And finally that other nearby projects
14 have exhibited the same or higher risk and have
15 been approved in the past.

16 So those are the assertions that I've
17 identified in the appeal request.

18 In the town's response, I've noted that
19 the town response notes that a number of reports
20 note that movement could occur and cause damage to
21 the structure, that that potential movement could
22 impact the proposed development, that an
23 experienced geologist should work with the
24 geotechnical engineer and perform a field
25 reconnaissance to better identify the location of

1 the landslide and its potential impacts, and that
2 did not occur.

3 While it doesn't appear that the building
4 site is located on the landslide, it should be
5 understood that the movement of the adjacent slide
6 is possible and cannot be predicted; that the
7 potential -- the proposed building location may
8 involve above-normal and potentially prohibitive
9 risks; and that the deliberations and findings of
10 the planning commission were not arbitrary, they
11 were not capricious, and they were not illegal,
12 which is the standard that the appeal authority
13 needs to determine in this case; and that the
14 evidence on record from all of the proceedings of
15 the planning commission and the written materials
16 I've reviewed are that the decision of the planning
17 commission is supported by their findings. So
18 that's a summary of the case before us today.

19 And so, Mr. Wilson, I would invite you
20 now to describe any other items that I may not have
21 captured in my summary.

22 MR. WILSON: From here? Here is fine?

23 MR. SIZEMORE: It would probably be best
24 if you come to the podium.

25 MR. WILSON: Luke Wilson. Yeah, I

1 appreciate you not muting the points of our appeal.
2 I know well and am friends with many of the
3 planning commissioners. They're brilliant people
4 and I don't mean to say any of this in the wrong
5 way, but the format of the communications that went
6 back and forth became a little bit confusing. And
7 what we found was that -- I can almost remember
8 every commissioner's comment and concern in the
9 meeting. Actually, I could go through and name
10 them right now if we needed to.

11 But all of those concerns were cited when
12 they were citing Terracon -- Rick Chestnut's letter
13 from Terracon. They were cited from those initial
14 comments, you know, like, the geologist's comment
15 that initially there was some confusion as to
16 whether it was in the landslide or not in the
17 landslide, and so a geologist was to be employed to
18 determine that. But then later down in the letter
19 it says clearly that all parties have identified
20 that it is certainly not in the landslide, things
21 like that.

22 And so most -- in our opinion, we found
23 that most of the conclusions and answers were there
24 in the end, but that because of the complexity and
25 the back and forth with these letters from

1 Terracon, if one reads from the initial comments,
2 it does sound concerning. You know, liquefaction
3 was one of the -- yet as you go down through the
4 letter it says, hey, the deep foundation negates
5 the liquefaction problem and slope stability issue
6 as well.

7 And I feel like a person that is not very
8 versed in geologic engineering or geotechnical, you
9 know, engineering would say, "Okay, it looks very
10 concerning, especially if you derive any of your
11 comments from those initial comments," because
12 they're there.

13 And I realize I can't pull in other
14 information. I talked to Tom about this. But, you
15 know, there have been lots of communications
16 between Rick Chestnut and myself about the
17 feasibility of the project and that that
18 information was addressed in Landmark's letter that
19 he felt like it was supportive and addressed.

20 So not to blame anybody, but it was very
21 complex. But in the summary and conclusions, the
22 last letter that addressed most of those concerns,
23 we found most of those answers available.

24 And, again, deriving those comments from
25 the initial comments section was, I think, what the

1 red flag was. That was what we would feel like the
2 manifest error was, was because of that, where in
3 those letters they were deriving their concerns
4 instead of the conclusions.

5 MR. SIZEMORE: Okay.

6 MR. WILSON: Thank you.

7 MR. SIZEMORE: Thank you, Mr. Wilson.

8 Mr. Snow representing the town.

9 MR. SNOW: I'm going to take off my mask
10 so we can get a good record, if that's all right.

11 I'll take those bullet points as you've
12 listed them, Mr. Sizemore. I think it is clear
13 from the Terracon report that many of the concerns
14 were resolved, but not all the concerns were
15 resolved; mainly the most important one, which was
16 the landslide risk. And so when Terracon looked at
17 this, they looked at the initial geotechnical
18 report that was prepared of the site.

19 And by the way, that's a standard
20 geotechnical report. They weren't focused on
21 landslide risk.

22 But when Terracon examined that report,
23 what they said was at a minimum an experienced
24 geologist should work with the geotechnical
25 engineer to perform a field reconnaissance to

1 better identify not only the location, but the
2 potential impacts to the planned development.

3 That was the recommendation. That was
4 not done. And so for that reason when Terracon
5 issued its second report after they had looked at
6 the investigations of Mr. Wilson's engineers,
7 that's why they said "It is our opinion that the
8 owner and the town should review this risk and
9 decide if it's acceptable. It remains our
10 opinion" -- meaning after they've looked at the
11 subsequent investigations of the experts for
12 Mr. Wilson -- "It remains our opinion that placing
13 an occupied residential building adjacent to or
14 near the toe of a very high-hazard classified
15 landslide may involve above-normal and possibly
16 prohibitive risk."

17 And so, again, while many of the concerns
18 of Terracon were resolved, that concern was not.

19 Just moving on with the bullet points
20 that you've listed. There's a disagreement about
21 whether the landslide -- where this structure is on
22 or near the site, and Terracon concluded whether
23 it's 40 feet north, near, or on, that risk remains.

24 As far as the deep foundation goes and
25 the slope instability goes, those opinions were

1 stated as the general slope stability. That
2 doesn't have anything to do with general landslide
3 risk. That's just dealing with the fact that the
4 structure is going to be on -- it's got slopes on
5 three sides, so those comments about slope
6 stability really don't resolve the landslide
7 concern.

8 As for other nearby projects that have
9 been approved, those records are before us. We
10 really have the record on this application. And
11 even to fairly review what happened in all of those
12 other land use applications, you'd have to look at
13 the record, the full record from each of those, and
14 we just can't do that. It's beyond the scope of
15 this matter.

16 What's before us is the reports that we
17 have and the deliberation of the planning
18 commission. And I think it's clear from the
19 minutes they understood the risks, they cited the
20 reports, they cited the relevant recommendations
21 from Terracon, and that's all that this was lacking
22 here.

23 So that's our position and if you have
24 any questions, I'll take those.

25 MR. SIZEMORE: Thank you.

1 MR. SNOW: Okay.

2 MR. SIZEMORE: Mr. Wilson, from what
3 you've heard from Mr. Snow, please specifically
4 address any concerns that he brought up.

5 MR. WILSON: Okay. Yeah, Luke Wilson. A
6 little bit of traction was gained again with the
7 engineering geologist.

8 MR. SIZEMORE: I'm sorry, I'm not hearing
9 you. You may need to take your mask off. Sorry.

10 MR. WILSON: Please. Again, the comment
11 about the geologist was derived for the initial
12 comments section and the Terracon letter clearly
13 states just after that that both parties have
14 confirmed that it is not in the landslide, so I
15 feel like muting that part seems to be the problem.

16 But that was not drawn from the
17 conclusions sections, but the initial comments.
18 And Rick Chestnut said that -- he goes, "You know,
19 I've put out these initial comments as concerns and
20 then they're to be addressed," and he goes, "I feel
21 like they were addressed."

22 There may be some confusion in a few
23 things still, but I feel like most of those answers
24 were there.

25 But the geologist was to identify whether

1 or not it was in the landslide and it was not in
2 the landslide.

3 We do feel like the language from the
4 code that says -- I don't remember it verbatim, but
5 that says placing an occupied structure at or near
6 the toe of the landslide may be above, and the word
7 "may" is heavy, may be above normal risk.

8 In my appeal I cited that that exact
9 verbatim was used in the Thai Sapa application,
10 which sits at the toe of the landslide, the actual
11 landslide, not near it but in it at the toe, has
12 liquefaction issues with the drainage and rockfall
13 issues as well, and that didn't seem to be an
14 obstacle in that application.

15 And so we felt like it almost goes
16 without saying that many places in the canyon may
17 be at, you know, a risk of anywhere in the canyon
18 of a landslide. So our point was to take those
19 engineering recommendations delicately and build
20 according to those and that we thought it was
21 feasible.

22 But, again, the geologist's comment was
23 to identify whether or not it was in the landslide,
24 and Rick Chestnut clearly says that it was not, so
25 that would be my main concern about those comments.

1 Thank you.

2 MR. SIZEMORE: Thank you. All right. We
3 have an opportunity now for anyone who's attending
4 who wishes to make comments. Again, this is not a
5 hearing, but I will entertain any comments. We do
6 have Zoom attendees, I'm assuming we have
7 attendees, so I will begin with those here
8 physically present. Does anyone in the audience
9 want to make a comment? If so, come to the podium,
10 state your name and make your comment, please.

11 All right. Seeing no one here physically
12 present wanting to make a comment, I will provide
13 an opportunity for those on Zoom if anyone wishes
14 to make a comment.

15 MS. BROWN: You can indicate your
16 interest in making a comment by either appearing in
17 your video at home and raising a hand or using the
18 chat feature at the bottom of your Zoom video.

19 MR. SIZEMORE: I'll give a minute or two
20 for anyone here to respond. No responses.

21 All right. So I'm assuming now that no
22 one present here physically or on Zoom wishes to
23 make a comment. You have one more opportunity for
24 anyone to identify if they do so.

25 Okay. Seeing none, I've heard and

1 reviewed Mr. Wilson's appeal and listened to your
2 comments, I've reviewed the town's response and
3 your oral comments. My task now is to take all of
4 this information under advisement and to prepare a
5 decision.

6 I will not make that decision sitting
7 here this afternoon. I will take the information
8 that's been provided to me today and the rest of
9 the record and hopefully in a reasonably short
10 period in days I will have a decision to the town.
11 Any questions about that process?

12 MR. SNOW: Thank you.

13 MR. WILSON: Thank you.

14 MR. SIZEMORE: Okay. So if that's the
15 case, I'm going to move on to our next item on the
16 agenda. This is a public hearing and it is for the
17 purpose of considering a variance from the front
18 and side yard setback requirements of the Village
19 Commercial Zone for a retail and transient lodging
20 building at 358 Zion Park Boulevard. Let me get
21 that information in front of me.

22 As far as this procedure, again, I've
23 read the application for a variance. And,
24 Mr. Wilson, I'd like you to come up and just if you
25 can identify in the context of the items I need to

1 review as the administrative hearing officer why
2 you think a variance is necessary, so if you'd come
3 up to the podium.

4 MR. WILSON: I didn't bring my variance
5 request with me, but, I mean, you have it, clearly.

6 MR. SIZEMORE: I have it here in front of
7 me. Do you want me to just kind of give you a --

8 MR. WILSON: Well, do you need me to cite
9 it all again? Is that what you mean?

10 MR. SIZEMORE: No. I just want you to
11 verbally describe --

12 MR. WILSON: Okay. Yeah. Sure.
13 Luke Wilson. I'll do this.

14 MR. SIZEMORE: Thank you.

15 MR. WILSON: Thank you. And you were the
16 hearing officer for the last go-around on this
17 exact same property under the same conditions, but
18 we have -- and I apologize, I sent a letter to the
19 planning commission in that. The day of the
20 application, Tom and I identified that the setback
21 variance that you granted before runs with the land
22 but may not be specific to what that development
23 was.

24 And so the commission -- I sent out an
25 e-mail, hopefully they got it, to let them know

1 that I wasn't trying to be presumptuous in my
2 application but that we thought it was already in
3 place to run with the land like with the current
4 coffee shop and things like that.

5 Essentially, we have a small retail
6 building that we'd like to put -- we feel like it
7 meets the spirit of the town, the development, the
8 standards that they like, sidewalk/pedestrian-
9 oriented development, a project that would screen
10 the ugly parking lot.

11 Setting the building back 30 feet would
12 basically make it infeasible in that it would block
13 circulation of the parking lot. It would deadhead
14 the parking lot and it would not afford any
15 pedestrian/sidewalk interaction.

16 I noticed Tom's report said 25 feet. I
17 measured 35 feet, but it's -- from the rock wall
18 just to the sidewalk or something was, let's say,
19 30 feet and then we have an additional 30 feet on a
20 piece of property that's already surrounded by
21 steep slopes, setbacks. And we've been advised not
22 to go near not only just the flat area of the
23 property, but nowhere near the slope of the
24 property either. So, I mean, it affords a very
25 small amount of developable space.

1 And we felt like being able to put a
2 building that sits forward, that is well done, that
3 looks nice, that still effectively has about a 35-
4 or a 40-foot setback from the sidewalk would fit
5 nicely there.

6 If we were not granted the variance like
7 our neighbors have been, we would see a 60-
8 65-foot or something setback and, again, it would
9 become unfeasible -- it would block the function of
10 the parking lot and would just seem awkward. It
11 would be so far back there.

12 I noticed that our neighbors that have
13 been granted the variance, they're actually right
14 up on the sidewalk. Were we granted the variance,
15 we would still be 30 or so, 35 feet back from the
16 sidewalk. And I feel like it's very much in line
17 with the conditions that existed before when we had
18 this conversation before, similar land use
19 restrictions because of those slopes and slides.

20 And all of the same conditions exist,
21 really. And I don't feel like I need to go through
22 all of those points with you, you have them, but
23 that's what we wanted to be able to do.

24 MR. SIZEMORE: Okay. I do have some
25 questions just to clarify in my mind how this is

1 going to be situated.

2 MR. WILSON: Okay.

3 MR. SNOW: I was on the site again this
4 afternoon before this hearing and walked -- I
5 didn't walk, I drove around the parking lot and
6 looked at the site. And I'm trying to envision,
7 based on the schematics I have here on file and
8 just looking at the physical facility, how this is
9 going to sit.

10 So if you go back the 25 or 30 feet from
11 the edge of the sidewalk to the parking lot --

12 MR. WILSON: That's where the rock wall
13 begins.

14 MR. SIZEMORE: -- there's a rock wall.

15 MR. WILSON: Uh-huh.

16 MR. SIZEMORE: Is this building going to
17 sit five feet beyond that rock wall?

18 MR. WILSON: The front pillars would be
19 behind the rock wall five feet and then the masking
20 of the building is 10 feet back from the rock wall.

21 MR. SIZEMORE: So you're sacrificing, I'm
22 just guessing, 15 parking spaces or more for the
23 construction?

24 MR. WILSON: Yes, we are. Yeah, and even
25 if we set it back, we would be sacrificing parking

1 spaces.

2 I realize in the most awkward situation
3 we could possibly set it back, put a porte-cochere
4 on the south side of it and have parking circulate
5 in front of the building in between the sidewalk
6 through that pedestrian area, which seems bloody,
7 but I actually don't think that would even work.
8 But, yeah, it would sit right on that east side and
9 we would sacrifice the parking stalls.

10 MR. SIZEMORE: Okay. And help me
11 understand again, and I can go through here, there
12 are specific criteria that I need to determine.

13 MR. WILSON: Uh-huh, there are five
14 questions, right.

15 MR. SIZEMORE: Why do you think that --
16 this is the third criteria. Why do you think this
17 variance is essential to the substantial property
18 right you possess? Because you have a parking lot
19 on the property.

20 MR. WILSON: Uh-huh.

21 MR. SIZEMORE: Why do you think you have
22 a right for additional retail activities on the
23 parcel?

24 MR. WILSON: Well, I suppose anybody that
25 owns property has a right to develop it how they

1 will. I feel like the same question could have
2 been asked about the parking lot, you know, why do
3 you have a right to bring the parking lot forward.

4 I feel like -- I feel like all of our
5 neighbors have the same setback. I feel like ours,
6 in addition to that reduced setback that they have,
7 we have that -- they don't have the 35-foot buffer,
8 we do, so already we're way farther back.

9 I feel like the spirit of the town's
10 development and codes is still met in that
11 nothing's really in your face. It's still very far
12 back compared to any of the properties I'm talking
13 about. There is a great opportunity in pedestrian
14 development, sidewalk-friendly development.

15 We've actually offered to landscape the
16 UDOT right of way very nicely with a bike hub and
17 benches and shade structures and such, which is
18 money that we would pay for the town but that would
19 benefit the pedestrian opportunity for us. And
20 putting the building back, you don't get that
21 sidewalk traffic. We want people to be able to
22 feel like they can come off the sidewalk and eat at
23 the cafe or have a drink and that kind of thing.

24 And I feel like most of the people around
25 us have that and have it way better than we'll have

1 it because they don't have a buffer. So their
2 five-foot setback becomes five feet off the
3 sidewalk, not 40, you know.

4 MR. SIZEMORE: Let's go back and talk --

5 MR. WILSON: And, sorry, to add to that,
6 I know that most of the variances that have been
7 granted kind of hinge on difficulty in development.
8 We have two sides that give us that deep setback.
9 We have two sides of the landslide, you know, that
10 we have to stay off of. I mean, our developable
11 area for the amount of land that we own and pay tax
12 on and things is very small compared to what the
13 size of the property is.

14 MR. SIZEMORE: Earlier you stated that
15 the pillars will be five feet back from that rock
16 wall.

17 MR. WILSON: That's how it was drawn. I
18 mean, we could do something with that, but that was
19 close.

20 MR. SIZEMORE: So way back in time would
21 that have been the location of the wall for the
22 proposed parking structure that was --

23 MR. WILSON: Yes. Yes. The town had
24 approved a setback for a parking structure. And I
25 don't know if Tom ever did forward that building on

1 to you. I could forward it to you if you want to
2 see it. That was done under the town council's
3 authority, as you know. A massive structure that
4 would have been -- again, it would have still been
5 40 feet off the highway, but only five feet setback
6 from the rock wall.

7 MR. SIZEMORE: So I just want to clarify.

8 MR. WILSON: Exactly the same. Much
9 smaller building --

10 MR. SIZEMORE: Towards the proposed
11 building or exactly at the same point --

12 MR. WILSON: Yep.

13 MR. SIZEMORE: -- that the wall of the
14 parking structure would have been?

15 MR. WILSON: The parking structure was
16 much taller. Burke had designed it. It was
17 beautiful. Burke had designed it, but it was much
18 taller and the masking was huge because it extended
19 all the way across the front. This development
20 steps up one level and then tiers back and then
21 steps up again so as not to have a big, stark wall
22 but a cascading development, and I feel like it's
23 much more subdued. But, yes, same exact location
24 as that.

25 MR. SIZEMORE: Okay. I'm trying to think

1 if I have any other items I need clarified.

2 MR. WILSON: And I apologize, I didn't
3 know that I needed to come and review all of that.
4 I would have had it in front of me.

5 MR. SIZEMORE: No problem. No, I don't
6 think I have any other questions for you. Thank
7 you for your presentation.

8 MR. WILSON: Thank you, sir.

9 MR. SIZEMORE: And town representative
10 Tom, do you have any items that you need to bring
11 up in regards to this variance application?

12 MR. DANSIE: No. Thank you,
13 Mr. Sizemore, we don't have anything additional
14 unless you have clarifying questions from staff.

15 MR. SIZEMORE: I want to make a couple of
16 clarifications. It was never my intent as the
17 administrative hearing officer in the previous
18 variance application to approve anything beyond the
19 parking lot, so any other uses, land uses that may
20 have happened in the meantime, it was never my
21 intent that any other building, structures, uses
22 were authorized by the variance. The variance only
23 applied to the parking lot. So I just want to make
24 the record show that, that that was my intent as
25 the administrative hearing officer.

1 This is a public hearing and seeing that
2 we have no other clarifications from the town, I
3 would open it up for any comments from the public.
4 Again, we will follow the same procedure. Anybody
5 here physically present who would like to make a
6 comment about this proposed variance application?
7 Please state your name for the record.

8 MR. RIOUX: My name is Eric Rioux and I'm
9 a resident here in town. And I guess my concern
10 was I always knew of that area as strictly a
11 parking lot and now it seems like the use has been
12 changing with various buildings on it and that it
13 would fall under the required setbacks for
14 commercial -- as a commercial lot. And so as a
15 parking lot, I don't see it. That's what I
16 thought, too, was that that's what that variance
17 was granted for and not for these structures that
18 are going on there.

19 So it just seems that the use of the land
20 is not in conjunction with what the variance was
21 granted for and that this new variance I would
22 think would be under that same commercial variance
23 that the town has.

24 MR. SIZEMORE: Thank you. I would just
25 clarify that under the provisions of the town code

1 and the procedures that are laid out, this proposed
2 use of the property still has to go through a
3 design/development review process with the planning
4 commission. The variance deals only with the
5 allowed setbacks, not the design of the structure
6 and other aspects of the proposed uses.

7 I'd also note that the property is
8 located in the Village Commercial Zone and that the
9 uses proposed, and, Tom, you can help me if I'm
10 going off base here, but the proposed uses fall
11 within the list of allowable uses in the Village
12 Commercial Zone, so just to clarify that.

13 And, again, this process needs to, again,
14 go back to the planning commission and go through
15 the design/development review.

16 Any other comments from individuals here
17 present?

18 Seeing none here, I will determine if
19 there are any people on Zoom who would like to make
20 a comment.

21 It appears that nobody is wanting to make
22 a comment from the Zoom participants.

23 As is the case in all variance
24 applications, I don't render a decision here this
25 afternoon. I take them under advisement, the

1 information I've received, and, again, will write
2 up my analysis of what I've heard and render a
3 decision in writing to the town, again, in a short
4 period of time within days.

5 Is there anyone else who needs to make an
6 applicable comment or raise any concerns about this
7 variance application?

8 All right. Seeing none, thank you for
9 being here this afternoon.

10 And, Mr. Wilson, I will attempt to get
11 all of this put together and have some decisions in
12 a short period of time.

13 MR. WILSON: Thanks so much.

14 MR. SIZEMORE: Thank you. And thank you
15 to the town staff for your work to make this work
16 both remotely and here in person. And to our court
17 reporter, thank you very much for your efforts here
18 this afternoon. And I will adjourn this public
19 hearing. Thank you.

20 MR. WILSON: Thank you.

21 (Whereupon the taking of this
22 meeting/public hearing was concluded at 1:35 p.m.)

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C E R T I F I C A T E

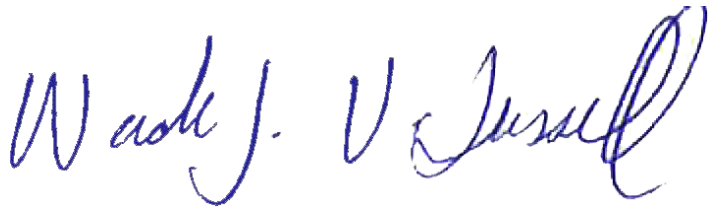
STATE OF UTAH)
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the testimony was taken before me, Wade J. Van Tassell, a Registered Merit Reporter and Certified Realtime Reporter.

That the testimony was reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, numbered 3 through 28 inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 16th day of April, 2021.



Wade J. Van Tassell, RPR/RMR/CRR/CRC

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