



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY APRIL 16, 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, and Joe Pitti

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 citizens signed in.

Pledge of Allegiance led by Darci Carlson

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

Pitti: Aye

Motion passed unanimously.

Commission discussion and announcements: Ms. Frankenburg reminded the Virgin River Management Plan survey was sent to the public and would be available until Friday.

Earth Day was planned for Saturday, April 20th starting at 1:00pm at the ballfield.

Mr. Dansie updated the Commission and said the street light shields were being manufactured and should be ready to install town-wide within about one month.

The accumulation of mud and dirt by Canyon Offerings would be cleaned up. The bigger issue was drainage which would be addressed with the addition of curb and gutter in the future.

Action Items

1. Public Hearing: Conditional Use Permit: Ryan Lee requests a conditional use permit for a transient lodging facility on parcel S-BIT-1 (1216 Zion Park Boulevard) in the VC zone: Transient lodging in the VC zone required a conditional use permit. The request should be analyzed against the six general standards and four specific standards in the ordinance. The staff report provided background information and outlined findings for the Commission to consider in respect to their review of the application.

Commission questions to staff: Mr. Pitti confirmed the parcels were separate and not joined at this point.

- It was contemplated this transient lodging use would be operated in conjunction with transient lodging on the adjacent parcel; however, Mr. Dansie clarified this parcel was being presented as a stand-alone application and should be analyzed on its own merits. Commissioners should determine if the proposed use complied with all land use requirements.

Ms. Elger asked if the proposal complied with landscape requirements.

- Mr. Dansie indicated the landscape requirement was met.

Mr. Staker asked about the number of units allowed in this zone.

- The Village Commercial zone allowed one unit per 4,000 square feet. This property was about three-quarters of an acre and allowed eight units.

Mr. Pitti asked about setback and parking.

- The proposed parking stalls met the required setbacks and the quantity needed to support eight units.

It was confirmed buildings would not be constructed near the 30% slope area.

Public questions to staff: None were asked.

Commission questions to applicant: Builder Mark Fahrenkamp was in attendance to answer questions. None were asked.

Public questions to applicant: None were asked.

Motion made by Joe Pitti to enter public hearing; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Public Comments: No public comments were made.

Motion made by Jack Burns to exit public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Commission deliberation: Mr. Pitti said it appeared the proposal met the standards for use within the zone. He was satisfied with the parking and setbacks. Additionally, staff indicated this number of units were permissible in this zone. The other Commissioners agreed.

Motion made by Joe Pitti that the Planning Commission recommends approval of the conditional use permit for a transient lodging facility at 1216 Zion Park Boulevard. The motion is based on the following findings: The Commission finds that the applicant has complied with the staff analysis of the general standards as well as the specific standards outlined for the use in the zone. With the condition that the transient lodging facility avoid making loud noises between the hours of 11:00pm and 7:00am; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

2. Public Hearing - Residential DDR: Chris Saddler requests a Design/Development Review for a high visual impact lot on Anasazi Plateau Lot 45 in the FR zone: Ms. Frankenburg provided a summary of the application based on the information presented in the staff report. Since this was a high

visual impact lot, building height was restricted to a maximum of twenty feet (20'). Two trees would need to be removed for construction but would be replaced with four of similar species. It was recommended the applicant verify compliance of colors and materials.

Commission questions to staff: Mr. Pitti asked about the conservation easement.

- Ms. Frankenburg acknowledged there were limits of disturbance within the conservation easement. Mr. Pitti recommended an orange construction fence be installed to delineate the conservation easement line.

Public questions to staff: No questions were asked.

Commission questions to applicant: Architect Burke Cartwright was in attendance to answer questions. None were asked.

Public questions to applicant: None were asked.

Motion made by Suzanne Elger to open public hearing; seconded by Joe Pitti.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Public Comments: None were made.

Motion made by Joe Pitti to close public hearing; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Commission deliberation: Ms. Elger felt the biggest condition was the height but this was compliant. The Commission agreed it was a great design.

Mr. Burns asked about the staff analysis that landscape requirements did not apply.

- Ms. Frankenburg agreed this language should be adjusted but indicated the landscape and lot coverage percentages did not apply in Anasazi Plateau.

Motion made by Joe Pitti that the Planning Commission approves the Residential Design/Development Review for Anasazi Plateau Lot 45. The motion is based on the following findings: 1) The Commission finds the application complies with Chapter 10-9A Foothill Residential Zone, Chapter 10-15 Design/Development Review as it relates to lot area, setbacks, building size, building height and specifically the high visual impact lot, lighting, landscaping, color and materials. With the following conditions: 1) The applicant present staff with a verification of the actual color samples prior to the issuing of a building permit; 2) The applicant must add construction fencing to be posted at the limits of disturbance of the conservation easement per the site plan; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

3. Public Hearing - Residential DDR: Bill Marshall requests a Design/Development Review for a high visual impact lot on Anasazi Plateau Lot 48 in the FR zone: Ms. Frankenburg summarized the information in the staff report. Being a high visual impact lot, building height was restricted to twenty-feet (20') maximum. At its tallest point, the home was 18.99' high. The four trees being removed would be replaced with eight chosen from the approved species list. Staff recommended exterior colors and materials be verified prior to issuance of a grading permit. Also, a limits of disturbance fence should be installed prior to construction.

Commission questions to staff: None were asked.

Public questions to staff: None were asked.

Commission questions to applicant: Builder Luke Wilson was in attendance to answer questions. The property owner and draft person were also in attendance.

Ms. Elger asked if the three roof peaks were the same height.

- Mr. Wilson indicated they were different but did not exceed 18.99'

Public questions to applicant: None were asked.

Motion made by Suzanne Elger to open public hearing; seconded by Jack Burns.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Public Comments: None were made

Motion made by Joe Pitti to close public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Commission deliberation: Ms. Elger said it met the requirements for a high visual impact lot, but the applicant must provide color samples and install construction fencing. The other Commissioners agreed.

Motion made by Suzanne Elger to approve the Residential Design/Development Review for Anasazi Plateau Lot 48. The motion is based on the following findings: 1) The Planning Commission finds that the development meets the standards for Chapter 10-9A Foothill Residential Zone and Chapter 10-15 Design/Development Review. The Planning Commission notes the lot is a high visual impact lot and that the roof height is below twenty-feet (20'). 2) The DDR is in compliance with lot area, setbacks, building size, building height, lighting and landscaping. The Commission recommends the following conditions: 1) The applicant must verify exterior colors and materials of the structure based on the Town's color palette prior to issuance of the building permit; 2) The applicant must install construction fencing to delineate the line of disturbance; seconded by Joe Pitti.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

4. Public Hearing - Ordinance Revision: Changes to Title 10, Chapter 22 of the Town Code

regulating temporary uses and special events: Mr. Dansie said this proposed ordinance would change how temporary uses were regulated. This would create more specific classes of events with specific application requirements and regulatory standards for each. The Planning Commission had considered a number of different concepts and were ready to solicit community input through this public hearing process.

Mr. Dansie provided an overview of the different classes of events:

1. Small, private outdoor events on private property (residential or commercial) did not require a permit or Town review as long as they complied with noise and nuisance standards.
2. Small-scale fundraising events would also not require a permit or Town review.
3. Outdoor, general public events (festivals, races, or parades), with community-wide impact, had specific standards, and would require both a staff-level review and permit.
4. Temporary structures used during construction for storage or living space were allowed and required a permit.
5. Special use category included those uses with potential community-wide impact that did not fall into another category. An example was commercial filming. The Planning Commission would review this type of permit application.
6. Free-speech events, such as a protest rally, would require staff-level review and a permit.

The specific standards and permitting processes were also detailed in the ordinance language.

Commission questions to staff: Mr. Burns noted the liability insurance requirement did not change based on the number of participants. He suggested a tiered structure based on the number of participants.

- Mr. Dansie said this could be considered; however, the Town's risk managers recommended the proof of liability insurance requirement be increased from a \$1,000,000 to \$3,000,000.

Mr. Burns suggested a definition of 'temporary' be added to clarify a one-time event and temporary event were the same.

- Mr. Dansie agreed this could be clarified so it was understood events were not recurring.

Mr. Pitti asked if free speech events required liability insurance.

- If the event involved the public right-of-way then liability insurance would be required.

Mr. Pitti noted an application fee was only mentioned for temporary structure permits.

- Mr. Dansie said this was an oversight and there should be indication an application fee was required for other categories of events.

Ms. Elger asked about noise restriction times.

- Currently there was no consistency in times in the noise ordinance. This was being reviewed.

Mr. Staker asked about the six-week lead time and felt it was excessive for a free speech event.

- Only outdoor events required a six-week lead time in order to allow staff ample time to process the application.

Mr. Burns asked if event organizers were required to provide dumpsters and trash accommodations.

- It was the applicant's responsibility to provide a plan for trash and recycled materials.

Mr. Burns asked about advertising events on the variable message signs.

- Mr. Dansie said these signs were regulated by UDOT policy and only traffic-related messages could be posted.

Public questions to staff: Susan Hoover asked what was meant by 'small scale' event.

- An outdoor event on commercial or public property having greater than 100 participants and open to the general public would require a permit. If the event was not open to the public it was

categorized as a private event and the number of participants was not regulated and did not require a permit.

Rick Piette lived across the river from Springhill Suites and asked how events at this location would be categorized. He was very concerned about noise.

- Mr. Dansie indicated they would fall under private outdoor events.

Understanding events must meet noise control standards, Mr. Piette referenced code section 4-3B-2 and asked how events at the Springhill Suites could use loudspeakers.

- Mr. Dansie noted the critical point of code section 4-3B-2(A), specifically addressing loudspeakers, was that they could be used “in or upon any street, alley, sidewalk, park, or public property” which limited where the standard could apply. Mr. Dansie explained the Commission had directed staff to review the noise ordinance and consider changes that would make the noise policy more effective and enforceable.
- The introductory section of the code, which Mr. Piette referenced, stated “it shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town”. Mr. Dansie explained this standard applied everywhere within the limits of the Town but the loudspeaker standard applied on any street, alley, sidewalk, park, or public property. These issues could be addressed when the noise ordinance was reviewed.

Mr. Pitti acknowledged the Commission knew there were noise impacts to properties and this would be discussed.

- Additionally, Ms. Elger added the Commission considered permitting private events but felt addressing the noise ordinance was more relevant.

Tim Hoover asked if there was a difference between an event held at a hotel versus private residence as it related to noise levels.

- Under the current noise ordinance commercial properties had more stringent noise curfews than residences. In terms of this proposed ordinance regulating events, an event at a commercial property would be treated the same as an event at a residential property.
- To help clarify for the community, Mr. Dansie explained the proposed ordinance being discussed tonight was part of Title 10 land use code and addressed the use of property, which included permitting. Separate and distinct was Title 4 of the code which addressed public health and safety, including noise standards. This was not being considered tonight but would be in the future.

Since this was a land use discussion, Susan Hoover asked about including wildlife and properties not specifically owned, such as the river, into the policy.

- The Commission could consider impacts on wildlife during their discussion.

Motion made by Joe Pitti to open public hearing; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Public Comments: Rick Piette commented the noise from Springhill Suites wedding receptions was absolutely incredible. State of Utah code defined nuisance as “anything which is offensive to the senses so as to interfere with the comfortable enjoyment of life or property”. He also raised concern about impacts to wildlife. Mr. Piette suggested weddings be outside but put receptions inside. It was offensive to allow music to blast until 10pm at night. He asked the Commission to consider the residents and animals that lived nearby and do something about the excessive noise from the Springhill Suites wedding receptions.

Susan Hoover referenced the Utah Wildlife Action Plan which encouraged local governments to incorporate wildlife values into visioning and planning efforts and felt this could be specifically applied to this ordinance. The Plan also recommended maintaining the integrity of important habitat areas by providing spatial and noise buffers to adjacent housing and urban growth areas. In 2009, an act designated 166 miles of the Virgin River as wild and scenic and Ms. Hoover wanted the Town to protect this environment as it ran through Town. She noted nine species identified in the Wildlife Action Plan, and located in Washington County, were coming under threat. She encouraged the Commission to consider wildlife and the Virgin River in land use ordinances.

Based on what had been discussed in the meeting, Tim Hoover felt current regulations were applicable and should be enforced to mitigate unacceptable noise levels. Enforcing massively loud noise at midnight should fall under the existing public disturbances statues. If a nearby neighbor was generating this kind of noise something could be done so he questioned why the police were incapable of enforcing noise coming from an outside private event. Mr. Hoover suggested teeth be added to enforcement.

Motion made by Joe Pitti to close public hearing; seconded by Allan Staker

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Commission deliberation: Mr. Pitti said the Planning Commission spent a lot of time developing the event and temporary use process. He felt comments about noise could be handled with review of the noise ordinance which should be done as soon as possible. As commercial uses in Town continued to grow, noise would increase.

Mr. Pitti wanted to discuss which events would require an application fee.

- Mr. Dansie suggested all events requiring a permit should require an application fee, with the exception of free speech events. Fees would be based on the costs associated with processing an application.

In respect to the ideas presented about wildlife, Mr. Pitti suggested language be added to outdoor events addressing this issue.

Rather than specifics for each event, Mr. Burns recommended language be added to the introductory paragraph about environmental impacts, including noise, that applied to all events.

- Mr. Pitti agreed and felt people were here for an environmental connection. Revised language could address people and animals.

Motion made by Joe Pitti that the Planning Commission table this agenda item to the May 1st special meeting pending new language that would integrate some environmental language as well as the structural fee language; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

5. Sign Permit – Bumbleberry Inn, 97 Bumbleberry Lane – Trisha Clark: Ms. Frankenburg said this request was to replace an existing building mounted sign with a new building mounted sign to conform with other updated signs on the property.

The sign would measure 96" x 30" to meet the 20 square feet standard and be mounted 13.5 feet above the ground. The sign would be internally illuminated with amber LED modules and only the sign copy

would be illuminated. The design was modified and off-white/beige lettering would be used. Ms. Frankenburg indicated the sign would be constructed of aluminum and steel painted with a polyurethane faux finish. The color temperature would be 3000K.

Stan Smith was in attendance to answer questions. The new sign would be the same size as the old one. The intention was to match the building mounted sign to the existing monument sign at the front of the property.

Motion made by Suzanne Elger to approve the sign permit for 97 Bumbleberry Lane. the Planning Commission finds the sign meets the standards of Chapter 10-24 Signage. The sign must be 96" x 30", use 3000K amber LED modules, and the copy lettering must be off-white/beige as indicated in the amended application; seconded by Joe Pitti.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Consent Agenda:

Motion made by Suzanne Elger to approve the consent agenda for the meeting minutes from March 20th and April 3rd; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.

Motion to adjourn at 6:27pm made by Allan Staker; seconded by Suzanne Elger.

Staker: Aye

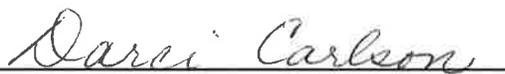
Elger: Aye

Marriott: Aye

Burns: Aye

Pitti: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL:  DATE: 5-12-19

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 for more information.



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting Planning Commission Regular Meeting Date 4/16/19

BURKE CARTWRIGHT

Name (please print)

Name (please print)

Insh Jennings

Name (please print)

Name (please print)

Ryan Lee

Name (please print)

Name (please print)

Bill Marshall

Name (please print)

Name (please print)

Rick Piette

Name (please print)

Name (please print)

Coke Wilson

Name (please print)

Name (please print)

Stan Smith

Name (please print)

Name (please print)

Mark Foreman

Name (please print)

Name (please print)

Mark Stevens

Name (please print)

Name (please print)

Tim & Susan Hoover

Name (please print)

Name (please print)