



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY, JUNE 20, 2018, AT 5:00PM
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00PM

MEMBERS PRESENT: Chair Joe Pitti, Allan Staker, Suzanne Elger, Mike Marriott, Jack Burns, Ethan Newman, and Cindy Purcell representing Zion National Park

EXCUSED: Jerry Giardina

ALSO PRESENT: DCD Tom Dansie, and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

Approval of Agenda: Motion made by Mike Marriott to approve the agenda; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie announced the next Planning Commission work meeting would be held on Tuesday, July 3rd, since the first Wednesday of the month was the Fourth of July holiday.

Ms. Carlson announced Tuesday, June 26th was the Republican Primary. Registered Republicans in Washington County should have received a mail-in ballot.

Action Items

Public Hearing - Subdivision Plat Amendment - Converting multi-family apartment lots in the Moenave subdivision to a multi-family condominium project - Mountain Vista Development: Mr. Dansie indicated this was an administrative change that would impact the ownership in the multi-family buildings. The proposed amendment would convert units to individually owned condominiums. The plat amendment affected lots 11, 12, 13, and 14 in the Moenave subdivision. The Planning Commission had already approved a Design/Development Review for these buildings.

Mr. Dansie pointed out that zoning compliance for density and landscape were based on the entire subdivision and not on these four lots individually. The final plat should note these four lots are part of the larger Moenave subdivision and must follow the same development restrictions as originally platted. In addition, the Moenave subdivision must provide six of the multi-family units as affordable. There must be certainty as to how this process would be complied with prior to the plat being recorded.

Council questions to staff: Mr. Marriott asked the difference between water meters versus water connections.

- Mr. Dansie explained individually owned units were billed independently and therefore required individual meters which constituted a separate connection. The subdivision infrastructure was constructed to accommodate individual connections for billing purposes.

- Mr. Staker clarified there would be an impact fee for each water meter.

Mr. Pitti asked if there was any risk associated with the affordable housing portion.

- Mr. Dansie said the affordable housing component was an ordinance requirement. Prior to a certificate of occupancy being issued, the affordable units had to be developed in proportion to the market rate units.

Ms. Elger asked the purpose of an administrative plat amendment.

- Mr. Dansie explained it allowed units within the buildings to be sold and transferred individually.

Mr. Burns asked if the intent was for long-term or short-term occupancy.

- The Planned Development Overlay Zone was applied to this property which prohibited short-term rentals.

Public questions to staff: Jan Passek asked who would manage and own the affordable housing units.

- Mr. Dansie said this was still being determined and a third-party affordable housing administrator may be involved.

Rebecca McKown asked the benefit to the Town allowing this change.

- Mr. Dansie said it was not a benefit to the Town but was allowed by code and zoning.
- Mr. Pitti commented it provided another option for housing as called for in the General Plan.

Council questions to applicant: Tyler Kukahiko was in attendance to represent Mountain Vista Development and clarified the only change was related to the mechanism of how the units were owned and sold. The developer had anticipated this change and therefore set up individual water meters. Mr. Kukahiko confirmed the developer was willing to comply with all the staff report recommendations. The condominium buildings would remain part of the entire subdivision.

Mr. Kukahiko addressed the affordable housing issue. He said each six-unit building had two smaller end units ear-marked as affordable and pricing would be dictated by the Washington County median income requirements. Mr. Kukahiko was unsure what that pricing would be at this time.

Mr. Marriott asked if someone could buy a unit and then rent it to an income qualified occupant.

- Mr. Dansie indicated this was an option. Occupants would need to be income verified; the ongoing management of which was still being determined.
- If the unit was resold, the affordability component would transfer.

Mr. Staker asked about CCR's and an HOA.

- Mr. Kukahiko said there would be a master association for the subdivision, and CCR's and HOA for the condominiums.

Public questions to applicant: None were asked.

Motion made by Mike Marriott to open public hearing; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: None were made.

Motion made by Suzanne Elger to close public hearing; seconded by Mike Marriott:

Staker: Aye

Elger: Aye

Pitti: Aye
Burns: Aye
Marriott: Aye
Motion passed unanimously.

Council deliberation: Mr. Marriott said it was a straightforward administrative decision. He supported a common HOA for condominium maintenance to encourage cohesion in the development.

Mr. Pitti wanted the motion to include the affordable housing component.

- Mr. Dansie reiterated the condition from the March 21, 2018 Design/Development Review approval which stipulated “the applicant must identify the six units that will be dedicated as affordable housing per the requirements of the Town code, and the property owner must record a restrictive covenant against the properties where the affordable units are located stipulating terms and requirements of the affordable units consistent with the affordable housing requirements in Town code prior to a certificate of occupancy being issued for any of the development authorized by this DDR approval”. He recommended this condition be referenced in any new motion.

Mr. Burns said it was unfortunate that a large development did not provide a benefit to the Town and help address a major need for affordable housing. He hoped this could change in the future.

- Even though they were not apartments, Mr. Marriott felt they still provided a lower cost condominium option which the Town did not have.
- Mr. Newman commented the affordable units provided an option although the Town definitely needed more.

Mr. Dansie also recommended a note be added and recorded on the revised plat indicating the four condominium buildings were part of the larger Moenave subdivision.

Motion made by Mike Marriott to recommend to the Town Council approval to convert the multi-family part of the lots in the Moenave subdivision to a multi-family condominium project. Whereas we find it is an administrative decision but that it also meets the desire of the Town to diversity its housing stock. With conditions: 1) For purposes of compliance with land use standards, the Moenave Condominiums are considered part of the larger Moenave subdivision. The final plat shall contain a plat note that acknowledges the Moenave Condominiums are included with the surrounding Moenave subdivision for determining compliance with land use standards, and the Moenave Condominiums are subject to the same regulations, standards, and restrictions that would have applied to lots 11, 12, 13, and 14 of the original Moenave subdivision plat, with the exception that ownership of the individual units in the buildings is able to be transferred independently from the other units in the building; 2) Prior to recording the final plat, the Town Attorney and the developer must finalize the method for maintaining a minimum of six of the units in the multi-family portion of the Moenave subdivision (including the Moenave Condominiums) as affordable housing units; 3) Prior to recording the final plat, the Town Attorney and the developer must finalize the method for maintaining a minimum of six of the units in the multi-family portion of the Moenave subdivision (including the Moenave Condominiums) as affordable housing units; 4) And, with the reminder that the development rate of the affordable housing units be applied as previously required by the Design/Development Review; seconded by Suzanne Elger.

Staker: Aye
Elger: Aye
Pitti: Aye
Burns: Aye
Marriott: Aye
Motion passed unanimously.

Public Hearing: Ordinance Revision - Changes to section 10-14-9(C) clarifying the Town's regulation of gated access to subdivisions: Mr. Dansie said Town Code currently prohibited gated access to subdivisions, however a subdivision could petition the Town to install a gate if there was a

compelling need. The Planning Commission had worked to develop clarifying language on what a compelling need was which had been rolled into a proposed ordinance draft

Mr. Dansie indicated there were two public comment letters submitted from residents in subdivisions who cited criminal activity and personal safety as justifications for wanting a gate (Attachment #1).

Council questions to staff: None were asked.

Public questions to staff: Rebecca McKown asked how many subdivisions could have gates.

- Mr. Dansie explained any subdivision with privately owned roads could petition the Town for a gate. He indicated there were approximately eight (8) to ten (10) in Town.
- As drafted the ordinance listed justifications including increases in crime, property damage, traffic and road damage. These justifications needed to be attributed to non-residential use of the roads and that the increase would have been stopped, or prevented, by a gate.

Council questions to applicant: None were asked.

Public questions to applicant: None were asked.

Motion made by Suzanne Elger to open public hearing; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: Lynn Anderson, twenty-year Springdale resident noted the ordinance draft referenced village character but he was unsure what this meant in our Town. He questioned why a gate would detract from village character any more than privacy fencing. He listed a number of fencing materials used throughout Springdale and asked how they fit in with village character. A private gate was less invasive than much of the fencing. Mr. Anderson said many of the subdivisions this would affect were off SR-9. Mr. Anderson did not think Springdale should be any different than other areas in the country desiring privacy.

Rick Piette, Springdale resident, agreed with clarifying verbiage in ordinances. When purchasing his lot in 1998 he was given documentation from the realtor indicating it was a private community and the non-motorized gate would be mechanized with the formation of the HOA. The settlement agreement stated there was no public access. Mr. Piette wanted what he paid for and what he deserved. He felt the ordinance singled out Canyon Springs Estates and the standards were excessive and onerous. Mr. Piette asked the Planning Commission to use sensibility in their decision.

Motion made by Suzanne Elger to close public hearing; seconded by Jack Burns:

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Council deliberation: Mr. Marriott expressed concern about the findings in the ordinance. He recommended 10-14-9C(1) be changed to read "*As documented in the Springdale General Plan, the Town Council finds that gated access into subdivisions may make access to public lands less convenient and may make pedestrian and bicycle travel on private streets more difficult*", which he felt was more accurate.

- Under section 10-14-9C(3)(c), Mr. Marriott asked what it meant to "*supersede the Town's General Plan objectives*" and what criteria would be set forth to know.

- Gates did not necessarily make emergency vehicle access into subdivisions more difficult and Mr. Marriott suggested section 10-14-9C(4)(c) be struck because anyone installing a gate would make provisions for emergency vehicle access.
- Additionally, he stated if people in a private development wanted pedestrians they could design a gate that allowed it. Mr. Marriott indicated he did not like the ordinance and would not vote for it.

Mr. Burns said 10-14-9C(4)(c) was an important provision. Mr. Pitti agreed.

- Ms. Elger noted other ordinances related to gates had a provision pertaining to emergency response vehicles.
- Mr. Pitti felt it should be stipulated that the gate be constructed in such a way to allow easy access in an emergency situation.

Mr. Burns said we lived in area where access to public lands was critically important. He was unsure about the legality or impact of putting in a gate near park lands.

- Ms. Purcell said she could not find anything about access to neighboring public lands in the ordinances but suggested this be addressed with the Town attorney. If there was a boundary to a national park on private lands, there were other access points for the public. She was unsure of the legality and felt a lawyer should be involved.

Mr. Dansie suggested the Planning Commission recommend a policy that best promoted the Town's goals and objectives. Then, as part of the Town Council's review, the Town attorney would provide legal analysis.

Mr. Pitti suggested property owners fence their own property. He felt the largest component of village atmosphere was access to open space and gated neighborhoods was concerning. Mr. Pitti said he spoke extensively with parking enforcement and there had not been any parking issues in subdivisions. He also spoke with law enforcement and the crime rate was low. The public comment letters were not enough for him to believe there was a safety issue. Burglaries were related to construction sites. Mr. Pitti said most police reports were neighbor-on-neighbor conflict, not tourism. Other than not wanting people in a neighborhood, Mr. Pitti did not believe there was a compelling need for a gate. It was not community-friendly to close off subdivisions or access to public lands.

Mr. Burns felt segmenting parts of a community gave the appearance of an elitist attitude. Springdale should promote more unity. Free movement was an important part of the character of a community.

Although the Commission had spent a lot of time defining compelling need, Ms. Elger said it was not definable. She did not support gates, suggested compelling need be struck, and gates be prohibited. Gates did not promote community or the General Plan.

- If there was evidence to substantiate a compelling need, Mr. Pitti indicated he would be in favor of a gate. However, he did not feel there was evidence.
- Mr. Marriott said the issue was to define compelling and not about evidence. He said some people may not feel safe and their compelling need was different. This ordinance was for everyone and not just Canyon Springs.

Mr. Staker felt compelling need had a variety of definitions. To him, it came back to property rights and private ownership allowed you to do what you wanted. Regarding public access, no trespassing signs should be respected. People should not be able to go through private property to get to public land unless permission was given. Regarding 10-14-9C(3)(c)(i), Mr. Staker did not know how this could be proven.

- Mr. Pitti said based on his research, gated communities didn't protect more.

Commissioners discussed section 10-14-9C(3)(c) to clarify what "*supersede the Town's General Plan objectives*" meant.

- Mr. Dansie referenced objective 2.1.3 from the General Plan pertaining to the impact of gated communities on village character.

- Mr. Burns felt this objective explained why Springdale did not want gates and a reminder that subdivisions were part of a community. However, he acknowledged the objective did not say 'no gates'.
- Mr. Marriott reminded the reason for the ordinance was determine a pathway for a community to have a gate.
- Mr. Pitti felt the General Plan objective encapsulated the majority of the residents in Springdale.

The Commission continued to struggle with the issue. Mr. Pitti proposed the draft ordinance be moved forward to the Council for review and feedback.

- Mr. Marriott suggested the Commission continue to work on the ordinance in another work meeting. He said there were items in the draft that should be further discussed.
- Mr. Burns felt the ordinance was verbose and lacked balance in the findings.
- Mr. Staker questioned the intent and said the ordinance was essentially written to ban gates.

Motion made by Joe Pitti recommend to the Town Council the ordinance revision and changes to 10-14-9C clarifying the Town's regulation of gated access to subdivisions as written; seconded by Suzanne Elger.

Staker: No

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: No

Motion passed.

Public Hearing: Ordinance Revision - Changes to sections 10-2-2, 10-7A-2, and 10-7A-4, adding standards for the temporary storage of towed vehicles: Mr. Dansie said this ordinance allowed vehicles, towed for parking infractions, to be temporarily stored in existing public parking areas. It would not allow for storage of junk vehicles. Mr. Dansie noted there was a public comment letter submitted (Attachment #2).

Council questions to staff: Mr. Newman clarified temporary storage of towed vehicles was already happening; this ordinance made it official.

Public questions to staff: None were asked.

Council questions to applicant: None were asked.

Public questions to applicant: None were asked.

Motion made by Mike Marriott open public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: Mr. Dansie said language related to impound lots in the draft would be changed to temporary storage.

There was no public comment.

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

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye
Motion passed unanimously.

Council deliberation: Mr. Marriott was unsure of the need.

- In speaking with parking enforcement, Mr. Pitti said five vehicles had been towed since the parking meter program began. He felt temporary storage was good so towed vehicle owners did not have to go down canyon.
- Mr. Burns agreed it helped facilitate the Town's parking management strategy.

Mr. Dansie clarified the temporary storage of vehicles would be located in permitted, licensed, public parking areas.

Motion made by Mike Marriott to recommend the ordinance revision with changes to sections 10-2-2, 10-7A-2, and 10-7A-4 adding the standards for temporary storage of towed vehicles, whereas we find we have new needs in Town and this provision is going to be helpful and provide added convenience to Park visitors and Town visitors. With the addition of language under section 1- public parking areas, not patron parking areas, associated with a commercial business; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Sign Permit: Free standing sign at Flanigan's Inn located at 450 Zion Park Blvd – Larry McKown:

Rebecca McKown was in attendance to represent the applicant. Mr. Dansie indicated this request replaced the existing free-standing sign removed due to the sidewalk expansion.

Mr. Dansie explained a number of properties were impacted by the SR-9 road construction project. The Council had given direction that any project impacted due to the road project should not be penalized for this reason. The setback for this sign would be less than the required three feet.

Mr. Marriott asked if this location was a business center.

- Mr. Dansie confirmed it was a business center and ordinarily would be allowed one free-standing sign. However, this location had two, both of which were permitted. The code allowed a second free-standing sign under certain circumstances. In this situation, since the second free-standing sign was removed because of the road project, Mr. Dansie suggested the Commission gave leeway to allow them to put the sign back up.

Mr. Burns asked how long businesses would be allowed an allowance for the road impact.

- Mr. Pitti suggested if a business had any issues from the road project they should address them with the Town now. It was assumed a business could not come back several years later and claim impact from the road project.

The Commission discussed the labyrinth symbol and whether it was considered a logo. Recent changes in the sign ordinance prohibited a logo from being illuminated.

Motion made by Joe Pitti to approve the sign permit for the free-standing sign at Flanigan's Inn located at 450 Zion Park Boulevard. The Commission has determined that it meets the standards as related to the sign ordinance. With the condition: 1) The applicant will illuminate the light lettered portion of the sign with a color that conforms with the color palette as well as provide samples in relation to the colored letters and have determined the labyrinth is a logo and will not be illuminated; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Consent agenda:

Motion made by Mike Marriott to approve the consent agenda and minutes from May 16th and June 5th; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Motion to adjourn at 7:44pm made by Allan Staker; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Darci Carlson

Darci Carlson, Town Clerk

APPROVAL: *Joe Pitti*

DATE: 7.18.18

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.



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Planning Commission Date 6/20/18

LAURA SINK
Name (please print)

Name (please print)

Rick Piette
Name (please print)

Name (please print)

Janet Passel
Name (please print)

Name (please print)

Iyler Kuka Hiko
Name (please print)

Name (please print)

Rebecca Mydown
Name (please print)

Name (please print)

CORNEIL WALTERS
Name (please print)

Name (please print)

MARY WALTERS
Name (please print)

Name (please print)

Lynn V. Anderson
Name (please print)

Name (please print)

David D. Crow
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