



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING  
ON WEDNESDAY AUGUST 21, 2019 AT 5:00PM  
AT CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH.**

**Meeting convened at 5:02PM**

**MEMBERS PRESENT:** Chair Mike Marriott, Suzanne Elger, Allan Staker, Joe Pitti, Jack Burns, Tyler Young, Barbara Bruno, and Zion National Park representative Treacy Stone

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

Katy Brown led the Pledge of Allegiance.

**Approval of the Agenda: Motion made by Suzanne Elger to approve the agenda: seconded by Joe Pitti.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:** Mr. Dansie conveyed the Council's appreciation for the Commission's dedication to issues surrounding Lodging in Springdale. In their most recent meeting, the Council requested an updated analysis of the Town's ultimate buildout and had therefore directed the Commission not to pursue changes to lodging regulations any further until the completion of the analysis.

Since the adoption of the Virgin River Management Plan (VRMP), the Town had chosen Rosenberg Associates engineering firm to complete a technical analysis of the river in anticipation of drafting land use ordinances and regulations pertaining to development along the river corridor. Drafts would be available by the end of the year for the Commission to review.

Mr. Marriott thanked the public for attending and reviewed meeting protocol for Public Hearings.

**Action Items**

**1. Public Hearing - Ordinance Revision: Changes to Chapter 10-15C of the Town Code, revising standards for outdoor lighting:** The draft ordinance included changes to the definition for full-cutoff fixtures which clarified that the light source could not be seen from off of the property and the fixture itself must have two inches of internal shielding built in. Additionally, the proposed ordinance established a light temperature standard that called for 3,000 kelvin (K) or less to create warm lighting. The proposed ordinance also established a lumen allowance for commercial properties of 30,000 lumens/acre or less. The Commission asked staff to add an exemption for sign lights and parking lot lights from the new full-cutoff fixture standard, but all other existing standards would still apply.

Mr. Marriott asked if staff had researched gas station pumps.

- Staff had considered adding regulations for gas pumps, vending machines, and ATM's but were concerned it would yield a standard that would be impossible to comply with.

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

Public questions to staff: None were asked.

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

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Public Comments:** Jonathan Zambella requested that as the Town changed and modified ordinances, they should include a procedure in which the ordinances would be enforced. He had observed a significant amount of light trespass on both newly built properties and existing properties that had been requested to come into compliance in the past.

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

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Commission deliberation:** Mr. Young mentioned that in discussing the lighting ordinance over the course of a few meetings not much negative feedback had been received from the public.

Ms. Bruno asked if the standards would apply retroactively to existing properties.

- The regulations would apply to new development only.

Mr. Pitti felt the ordinance was a good move for the Town and a positive move toward the Night Sky initiative mentioned in the General Plan.

Ms. Elger felt the lumen cap was an important component in seeking night sky designation.

Mr. Burns appreciated Mr. Zambella's comment about enforcement as that would play a critical role moving forward. He supported the draft.

Mr. Marriott had some lingering concerns about how staff had arrived at the lumen cap numbers but heard consensus that the Commission supported the draft ordinance.

**Motion made by Joe Pitti to move forward to the Town Council the ordinance revision - changes to Chapter 10-15C of the Town Code, revising standards for outdoor lighting; seconded by Suzanne Elger.**

**Staker: Aye**

**Elger: Aye**

**Marriott: Nay**

**Pitti: Aye**

**Burns: Aye**

**Motion passed.**

**2. Public Hearing – Zone Change Request: East VH Lion, LLC requests a zone change on parcels S-137-A, S-102-B-1, S-102-B-2, and S-102-6 (approximately 19 acres located on the north side of Lion Boulevard). The current zone is a combination of Foothill Residential (FR) and Valley Residential (VR). The requested zone change is a combination of Foothill Residential - Moderate-Income Housing Development Overlay (FR-MIHD) and Village Commercial - Moderate-Income Housing Development Overlay (VC-MIHD). The zone change would allow the development of**

**mixed use commercial and affordable housing including 106 transient lodging units, 36 housing units envisioned to be affordable to moderate income households and approximately 9,500 square feet of commercial area:** Mr. Dansie reviewed that it was the Town's policy not to fulfill zone change requests unless at least one of the following criteria had been met: 1) The zone change would more fully promote the goals and objectives of the General Plan and Land Use Ordinances, 2) The zone change would accommodate a substantial change in conditions. 3) The zone change would correct a manifest error.

The applicant requested the Moderate-Income Housing Overlay (MIHD) zone for flexibility to make the affordable housing component of the project more feasible. The applicant requested more flexibility in the form of increased lodging unit density, increased residential density, increased building size in the FR zone, decreased setbacks in the FR zone, decreased distance between buildings in both the FR zone and the VC zone. Additionally, the applicant requested an allowance for covered walkways to connect buildings in the VC zone, which was currently only allowed in the Central Commercial (CC) zone.

Additional details on the proposal had arisen through discussion between the applicant and staff after the staff report had been published. The original proposal stated that there would be 9500 sq. ft. of retail space, but the actual figure would be 4750 sq. ft. The applicant mistakenly assumed the height limit was 28 feet when in fact it was 26 ft. The current proposal set the building height at 26.5 ft. but could be brought into compliance in the future if approved. The applicant also initially requested a landscape requirement reduction but the design ended up in compliance with the current standard. That being said, the Commission's charge was not to review the design details of the proposal, but rather to review the merits of the zone change request. The Town had received 18 public comment letters regarding the zone change. Seven letters supported the zone change, many asserting the critical need for affordable housing in Springdale and highlighting the change in circumstance on Lion Boulevard. as it had become a mixed-use area. Eleven were opposed to the zone change and cited overall negative impacts to traffic and infrastructure, overuse and impacts to native vegetation/open space, and diminished quality of life.

**Commission questions to staff:**

Ms. Elger asked how much development would be allowed on the property as it was currently zoned.

- The front half of the property at 5.5 acres was zoned VR and would support seven residential structures in the form of single-family residences or duplexes, and the rest of the property was zoned FR and could support about 6 single-family residences.
- Ms. Elger restated that, as currently zoned, the parcels in question could accommodate up to 20 housing units without a zone change.

**Public questions to staff:** Dean Elger referenced the Future Land Use Map (FLUM) and asked if the Town was bound to follow suggestions in the FLUM.

- Neither the Town, nor its public bodies, were bound to follow suggestions by the FLUM.

Mr. Elger asked if current ordinances applied to parcels on an individual basis or if multiple parcels could be considered as a group. He presented a scenario of a property owner with two parcels, one parcel having an abundance of available density, the other parcel lacking available density. He asked if the owner could transfer the available density from one parcel to another.

- In essence, the ordinance did not allow the transfer of zoning characteristics from one parcel to another. Mr. Dansie surmised that the land owner could go through a series of administrative steps to make it happen but it was not a simple process.

Mr. Zambella asked if the applicant could apply for the Moderate-Income Housing Overlay zone for the existing FR/VR zones. He wondered if it was possible for the applicant to provide affordable housing on the existing zones using the overlay without having to also apply for a commercial zone change component.

- Mr. Dansie affirmed this was allowed.

Mr. Zambella asked if staff could provide an overview of the history of the previously approved zone change on the subject property.

- The Commission had been briefed on the history of the parcel, including a previously approved zone change. The zone change had since been overturned on appeal.
- Mr. Pitti clarified that, at the time, the Planning Commission had recommended denial of the previous zone change, which was subsequently approved by the Town Council.

Mark Chambers asked if it was possible for a deed restriction and a development agreement to change if both parties were to agree to it.

- Mr. Dansie replied that it was possible.

Mr. Chambers asked if the Town had ever changed agreements with the Redhawk Apartments.

- Development agreements had been changed a number of times, but the deed restrictions had never changed.
- Mr. Chambers ventured that one of the reasons for a change in the development agreement was the difficulty in finding candidates in need of housing who met the income requirement without exceeding it. Mr. Dansie agreed.

Using the proposed income caps in the current application related to rent affordability, Mr. Chambers had calculated that a candidate would have to make under \$11.53 hourly in order to qualify for a two or three bedroom with roommates. He noted that the proposed point system would potentially attract candidates who worked outside the area to qualify for the apartments. He wondered if the point system was the best way to attract the intended demographic.

Gil Kiefer asked for clarification on the definition of “affordable.” He also wanted to know if the proposed units would be for sale or for rent.

- Mr. Dansie replied that the term “affordable” generally applied when a household spent no more than 30% of their monthly income on rent. The applicant would be able to speak to their proposed rents and target income levels, as well as provide more detail on their intentions for the residential units.

Mr. Kiefer had calculated that it would take 20 people or more to support the 106-unit hotel and commercial spaces. If those employees were offered a chance at the proposed housing stock, their housing needs would account for more than half of the available units. He saw this as an additional impact that compounded the affordable housing issue rather than offering a solution to it.

John Richards was present as the legal representation for the Stone Mountain Condominium HOA. He asked if there had been any requirement for an impact study on traffic, wildlife, noise, crime, etc.

- Mr. Dansie said the Town’s zone change application process did not require impact studies. He agreed that the impacts mentioned should be taken into consideration. A formal traffic impact study would be required at a later point in the development process if the application was recommended forward.

Mr. Richards asked if impact studies could be imposed by the Planning Commission.

- The Planning Commission was free to request additional information before forwarding recommendations to the Council.

Mr. Richards asked how often in the last five years Town had approved any zone changes from Foothill Residential to Village Commercial.

- Mr. Dansie said it had not occurred often.

Mr. Richards asked if the Commission had considered the irrevocable course of similar developments being built once this proposal was allowed.

- The Commission had considered this point.

**Applicant presentation to the staff:** East Zion VH representative Kathy LaFave presented a project narrative. The project was an example of “social entrepreneurship,” which aimed at taking the government out of the business of affordable housing by partnering with the community to develop something for the common good. The applicant expected to make commercial profit but also wanted to give back to the community. In sourcing opinions from the community, the group had heard a consensus that Springdale needed affordable housing. Initially the group wanted deed restricted caps to determine rent prices. They hoped to offer one-, two-, and three-bedroom units with rents equal to 25% of median income, 30% of median income, and 35% of median income, respectively. Many different sources listed many different median income interpretations for Washington County. Ultimately, the group settled on the figure presented by the US Department of Housing and Urban Development (HUD) to base their proposed rent prices off of, which showed a median income for Washington County as \$48,000. Staff used the same HUD model in their analysis of the application but interpreted the median income of Washington County to be \$61,000. The proposal, if approved, would put 36 deed restricted affordable houses on the market into perpetuity. Amidst many failed affordable housing attempts in Springdale, the one success story was the Redhawk Apartments which had retained their original intent as long-term rentals and now had a waitlist of two to five years. Through their research the group had determined that building homes for sale on the private market would not work for the community. Ms. LaFave attested that the group intended for the apartments to be for rent only, not for sale. The apartments were intended to serve the workers in the community who served the existing residents. She lamented that the people who worked in the businesses in Town were invited to take care of the businesses and support the community, but then invited to leave the canyon at the end of their shift. She had spoken to Superintendent Jeff Bradybaugh about the housing crisis facing seasonal employees in Zion National Park. Neighboring communities Hurricane and La Verkin had the most AirBnB listings per capita in the United States, further compounding the available housing rental stock. She acknowledged that the proposal presented impacts to friends and neighbors in the community, but asked where else a project offering affordable housing would be possible. An affordable housing project would not be financially viable if not funded by a commercial venture. Ms. LaFave had canvassed the entire Town and heard that affordable housing was a critical need, and that was what the group had set out to address with the proposal.

There had been different interpretations about the proposal and Ms. LaFave desired to clear any misconceptions. The design was not set in stone and the group was open to feedback from the community. She referenced the FLUM, which had been created using input from the community. The group had used the FLUM as a guiding document for how the parcels should be used, but they were willing to consider developing more residential space in the future. Community feedback was important to their process.

Ms. LaFave noted that the Redhawk apartments sat on a parcel which was changed from FR to FR-MIHD Overlay to accommodate the apartments, similar to this proposal. The applicant had also intentionally set aside nine acres in the proposal, including the natural wash, to be left as open space with the understanding that high-density developments created impacts. The applicant wanted a portion of the development to remain undisturbed to accommodate the natural wildlife and preserve open space.

As far as justification for a zone change, Ms. LaFave stated that the proposal met the criteria in that it accommodated a substantial change in conditions. The lack of affordable housing had reached a critical level. Springdale Elementary had zero enrolled kindergarten-aged children for the current school year. The General Plan directed the Town to ensure a community of mixed income levels as a way to maintain the village atmosphere. The conditions of Lion Boulevard had also changed. The Town was advertising to tourists to seek parking along Lion Boulevard.

Ms. LaFave thanked the community for their comment letters and input. She hoped the Town would support high-quality living that would benefit the workers in Springdale.

The applicant Justin Mabey provided a brief history of his connection to Springdale and Zion Canyon. His first experience was hiking the Narrows with his wife and her family. He learned that her grandfather had been the doctor in the Park. His In-laws had worked at the Zion Lodge. He and his wife spent their honeymoon in Zion and joked about owning a bed and breakfast someday. A few years ago Mr. Mabey

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purchased the Red Rock Inn. He understood that there were different biases and perspectives at play in response to his proposal but hoped that it was viewed in terms of possibilities and as the beginning step in the process. His question to the collective was if affordable housing was a high enough priority to the Town.

**Commission questions to applicant:** Ms. Bruno asked if Ms. LaFave was aware of the current lodging climate in terms of occupancy rates in Springdale.

- Ms. LaFave had a robust background in the lodging industry which included owning a hotel in Hurricane and also serving on the Washington County Travel Board. In speaking with various lodging owners in the Springdale she had heard there had been a downward trend in occupancy lately. Citing the four million-plus visitors that Springdale serviced each year, she felt that Springdale would never have enough lodging to accommodate everyone. As a result, new hotel options had sprung up in La Verkin and Hurricane and were in direct competition with Springdale Hotels. The outlying hotels were severely under-cutting Springdale nightly rates to attract occupancy. The guests from those hotels had to then drive and park in Springdale, further impacting the community. If more hotel options opened in Springdale, a decrease in rates could pull in Park visitors who had already planned to visit Zion, but they would then be parking in Springdale hotel parking lots and the tax revenue would go back to Springdale.

Mr. Stone was the housing administrator for Zion National Park. Park staff doubled every year and the Park attempted to provide seasonal housing but frequently fell short of accommodating all of them. The park was also restricted in hiring the same person for consecutive seasons, which accounted for a major seasonal turn over. The need for housing for Park workers would never go away and a seasonal worker would not be able to sign a long-term lease and offer longevity. The proposed point system would exclude park employees and would not be a useful tool in addressing the housing problem for the Park.

- Mr. Mabey responded that the part of the application that was the most flexible was the housing component. His group would be more than happy to collect feedback and invited the Town to help them find the best way to meet the demand.

Mr. Burns felt that it was the applicant's duty to address the Commission with a complete package rather than having the Commission problem-solve with the applicant. He was concerned about impacts to the businesses in closest proximity to the proposed development and what that would mean for the shuttle system that already struggled with over-capacity. He asked how the applicant would mitigate those impacts.

- Ms. LaFave stated they planned to eliminate 135 parking spaces and replace it with hotel rooms.
- Mr. Burns said the 135-space parking lot was rarely full. He felt the impacts needed to be considered.

Mr. Pitti asked what percentage of revenue from the hotel would be needed to offset the cost of the housing component.

- Mr. Mabey had figured a 3:1 ratio of hotel rooms to residential units for financial viability.

Mr. Pitti noted that any potential downturn with commercial rooms could then affect the affordability of the residential units. He also spoke to the remaining 524 potential hotel rooms coming online through developments agreements, not including the 106 rooms proposed.

- Mr. Mabey responded that a competitive market could drive down nightly rates.
- Mr. Pitti asked if the group provided housing for their current employees at the Red Rock Inn.
- Mr. Mabey said he did not provide employee housing currently.
- Mr. Pitti stated that the Red Rock Inn was the only property in the bed & breakfast association that didn't provide employee housing.
- Mr. Mabey offered fair pay, which was good compensation for not providing housing.

Mr. Marriott asked what pay rate profile the group envisioned for their target market.

- Redhawk had done a good job at filling the need for low-income housing but the moderate-income demographic was underrepresented. Their target market would be two Park employees, for example, making a combined annual income of \$70,000. Or it could be two Springdale

business employees making in the range of \$12/hour sharing an apartment. The group did not favor an income cap but was guided by Town Staff to include one. Their rental rate scale was intended to be broad-reaching to capture a variety of income levels.

- Mr. Marriott provided his own calculations based on a 25% of median income rent cost. A person making \$15/hour could afford \$650 monthly for rent. A person making \$18/hour could afford \$780 a month for rent. He asked if the group was prepared to subsidize down to those levels to meet the actual need.
- The intent was for two working professionals to be able to afford rent for a two-bedroom with blended incomes. To make adjustments and lower the rental rates, the group would need to look at how much lodging would be needed to compensate.

Mr. Marriott said the proposal was, in essence, requesting that the Commission overlook many of the underlying ordinances in exchange for affordable housing stock. He asked if that many concessions were actually necessary or if the design could be reworked to fall closer inside the existing ordinances, thereby requesting fewer exceptions.

- Ms. LaFave said there were no setback requests in the VC zone. The request to allow covered walkways (which was only allowed in the CC zone) was a way to drive down construction costs and lent itself to the affordability of the residential units.

Mr. Marriott asked how flexible they would be to scaling.

- Mr. Mabey said the ratios were generated based on their discussions with general contractors and funding partners. He felt the proposed ratio was realistic and deliverable.

Ms. Elger asked why details that differed from the proposal came to light just before the meeting.

- With so many sources listing median income for Washington County, the applicant and Staff had a difficult time landing on the same page with calculations. By the time they had settled on a median income to go off of, it was too late to be included in the packet material.

Ms. Elger asked what utilities would be covered in the proposed rental rates.

- Occupants would be responsible for all utilities.
- Ms. Elger noted that water/sewer and garbage were covered for occupants at Redhawk apartments through a subsidy.

Ms. Elger acknowledged that affordable housing was important in Springdale, but asked why 106 units had to be included with it.

- Mr. Mabey said the hotel units would serve as a funding mechanism for the affordable housing units. An affordable housing development would not be viable on its own.

Ms. Elger asked why the group was seeking the MIHD Overlay zone for both parcels.

- Mr. Mabey replied that there were apartments proposed on both parcels.

Ms. Elger said that in addition to the zone change, the proposal asked for significant incentives with respect to setbacks, building size, distance between buildings, reduction in landscape and lodging density. The property was currently zoned for 20 housing units. The applicant was requesting 142 units, a seven-fold increase in density. She asked why the applicant needed all these incentives.

- Mr. Mabey responded that it was up to the Town to decide if it needed affordable housing in a measurable way.

Ms. Elger had met with Ms. LaFave in June and the number of proposed residential units was closer to 44 that would require 106 hotel rooms to offset the cost of the housing. Ms. Elger said at the time she felt it would be better if the numbers were flipped. The number of affordable housing units had since decreased. Ms. Elger asked how the applicant was listening to feedback from the community and incorporating it into their plan.

- Ms. LaFave said that many design elements had changed after they found out where the flood plain was.

- Mr. Mabey said that the flood plain was a factor but it was more about determining what was financially feasible to fund the project.

Mr. Young felt that purchasing land in a residential zone, then getting a zone change to commercial was, in essence, gaming the free market. He was curious how much the price of a residential lot differed from the price of a commercial lot on Lion Boulevard. He asked if the applicant had performed that comparison.

- Mr. Mabey said most people didn't disclose such numbers in real estate transactions. The land in question was not purchased at residential values.

Mr. Young asked what made the project special enough for the Town to convert nearly 20 acres of residential land into commercial.

- Ms. LaFave responded that public input drove the FLUM, and in turn, the FLUM had driven the proposal. The group was proposing to meet a need in a mixed-use area. The stand-out component of the proposal was the affordable housing it would put on the market.

Mr. Young redirected the same question at Mr. Mabey.

- Mr. Mabey said the public benefit was what stood out most about the proposal and the project could not be viewed without that important component. That was what made the project unique.

Mr. Young asked what type of hotel was envisioned.

- Mr. Mabey had listened to his guests at Red Rock Inn who craved a small boutique atmosphere.

Mr. Young asked if Mr. Mabey would be the landlord for the commercial spaces and what types of business would be encouraged.

- Mr. Mabey would be the landlord and they were open to different uses and had some unique ideas already.

Mr. Young asked where the funding for the development was coming from.

- There were partners and financial backers comprised of individuals. Mr. Mabey would be the sole managing member of the development.

Mr. Staker asked if the market rate for the Redhawk apartments was \$1200-\$1800.

- Ms. Elger said the market rate 2-bedroom was \$1250, the 3-bedroom was \$1400. The units available through government subsidized tax credits ranged from \$500-\$900, based on the occupant's income.

Mr. Staker asked if the cheapest units in the applicant's proposal would be close to those ranges.

- Mr. Mabey said they studied the Redhawk model to determine what worked well. They ran into snags when trying to replicate Redhawk rent structures because Mr. Mabey's project lacked government funding. They also observed a disincentive for honesty from the occupants. It was possible for an occupant to not report their full income in order to avoid a rent increase.

Mr. Staker asked if the applicant would ever be able to provide units for rent in the same range as the Redhawk apartments.

- Ms. LaFave said their goal was to meet the moderate-income housing need.

Mr. Pitti asked about the discrepancy in the interpretation of the median income in Washington County. He wanted a clear figure moving forward.

- Mr. Dansie provided a spreadsheet from HUD listing the median income based on the average household size, not individuals within the household. The chart showed that for a single person living in a home, the median income was \$48,000. A home occupied by three people showed a median income of \$61,000. The applicant had taken a conservative approach and based their rent prices off the median income for one person. Staff had calculated the rent prices based on the three-person household figure since that was the average household size for the county.

The Commission took a short break.

Upon return, Mr. Mabey clarified his comment regarding an occupant's incentive for dishonesty at the Redhawk apartments. He had not meant to infer that there were people living at Redhawk who were dishonest or bad people. He had been informed that there was a strict and rigorous vetting process to determine rent prices based on an individual's income. No offense was intended.

**Public Questions of the applicant:**

Mr. Ferber asked how many employees the hotel would have and if they would be offered employee housing.

- Mr. Mabey responded that a good estimate would be around 20 employees and no housing units had been set aside for employees of the hotel.
- Mr. Ferber had a similar-sized hotel in Virgin which employed 37 people. He felt 20 was too low of an estimate. He asked what Mr. Mabey planned to pay his employees.
- Mr. Mabey planned to pay market rate. As the housing need arose for a growing staff the group would take care of it.

Jonathan Zambella wanted to know the percentage of buildout proposed, minus the slopes and flood plain on the lot.

- Ms. LaFave provided the numbers: The developable land North of the wash was 2.4 acres; developable land South of the wash was 4.78 acres for a total of 7.18 acres. This accounted for a total of 35% developable land North and South of the wash.

John Richards asked why Stone Mountain HOA had to bear the brunt of the density on the proposal.

- The group had laid out the design proposal based on what would be viable. The group would be happy to work with the neighbors.

Geoff Stroud-Settles lived in the Stone Mountain development and asked about the monetary benefit to the group and how they balanced that with the surrounding areas taking the brunt of the impacts. He asked if the profit would be worth it to degrade their quality of life.

- The group was hoping to create a viable, sustainable business.

Mark Chambers had concerns about rent calculations stated by the applicant. He felt that the income cap wouldn't realistically accommodate what workers in the area were actually paid hourly.

- Mr. Mabey said caps on income were not mission-critical to the project and the group was open to alternate ways to address how people would qualify for the apartments.

Mr. Chambers confirmed that the ownership group currently had three local employees. He also confirmed that the ownership group owned two other properties in Rockville making a combined potential of renting to 100 guests per night, which all three employees serviced. He wondered why Mr. Mabey had converted the employee living space at Red Rock Inn into a guest suite instead of offering it as employee housing.

- Mr. Mabey replied that converting the room to a rental allowed him to pay his manager well above the market rate.

Mr. Chambers asked if the group would have to raise the rent prices if the hotel failed to generate the profit needed to subsidize.

- Mr. Mabey said they would have to make up the loss of income on the commercial side.

Mr. Chambers asked if Ms. LaFave was being compensated for her time and services.

- Mr. Mabey said yes.
- Ms. LaFave said she agreed to be a paid consultant with the project only if there was affordable housing being offered in the proposal.

Gil Kiefer asked how many commercial businesses the development could accommodate.

- Mr. Mabey said it would depend on interest, but likely less than a dozen.

Dean Elger asked if there was anything in the purchase contract contingent on a zone change.

- Mr. Mabey said no.

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

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Public Comments:** Geoff Settles-Stroud had been in Springdale for years and currently worked in Zion National Park. The workers who were interfacing with the visitors needed a place to get away from serving the visitors. That is why he chose a home in the Stone Mountain development.

Zoe Gregoric lived in a residence on Lion Boulevard. She loved people-watching on the road and especially loved it at night when it was quiet, with the parking lot nearly empty. Putting in a hotel didn't seem safe or quiet. She loved her residential area and wanted it to stay that way.

Linda Holmstead had lived in Springdale for 25 years and admitted that the zone change request was an emotional issue. She was concerned about the impact on the quality of life with the increase in tourists, noise from buses and air conditioning compressors. She asked the Commission not to approve the zone change.

Jonathan Zambella didn't feel that dangling the carrot of affordable housing was worth an irrevocable zone change that would be in effect into perpetuity. He acknowledged the challenge of providing housing but felt it was not the role of government to make someone's business work. It was a developer's responsibility to ensure that the property he wanted to purchase already had the merits he sought. A zone change was drastic and would have unacceptable impacts on the community.

Stew Ferber said a typical one bedroom could be built for \$150,000 on average. The developer was making a very good return on investment under this proposal. Mr. Mabey would not be paying his employees at a wage that they could live off of. He saw no "affordability" in the proposal.

Gil Kiefer pointed out that the retail business spaces would bring in employees who would need housing on top of the hotel employees. According to his calculations, the net gain for affordable housing units was in the negative numbers.

Luke Wilson thought the net gain of housing units should be considered a gain regardless of whose employees would occupy them. With the transient population in Springdale, perhaps the developer could look into offering some units for sale if the Town wanted to see more families plant roots in Springdale. Mr. Wilson felt the owner of a property should be the only person in charge of deciding what would be built on it. Financial disclosures were immaterial to the zone change request before the Commission. Mr. Wilson hoped to see some younger families make Springdale their home. Having any housing would be an asset.

Alex Pelton felt that employee housing was a huge issue. The Bit and Spur had been open for 38 years and only two of his employees were able to live in Springdale. He felt the proposal was a good solution to tackle the problem. The concern he had was if the Town's infrastructure could handle it. He missed the sleepy little town that Springdale used to be but understood the National Park's draw to the area. Mr. Pelton supported the proposal to create housing so business owners could staff their businesses. He urged the Commission to consider proposals that helped create a solution to the housing problem.

Titan Oller was a resident of La Verkin and had a property in Rockville that he was currently renting to Park employees who hoped to make the area a permanent home in the future. As a real estate broker, he

found it difficult to tell his renters that it was a possibility. He had no opinion on the proposal, but wanted to share his experience with people trying to find housing who had found it next to impossible.

Brad Weston said the Stone Mountain residents were concerned about their quality of life. He saw the proposal as a developer wanting to increase his wealth by throwing a carrot to the Town to get the project approved. He noted that the applicant didn't even live in the community.

Zac Gregoric lived on Lion Boulevard and had been in Springdale since 1998. The teachers who taught him in school had since left Springdale Elementary because they couldn't afford to live in Town. He liked the housing component but did not think more hotel rooms were what Springdale needed. He was worried about security impacts, citing a visitor entering his home a number of years ago looking for a camping spot. It wasn't about the housing; his concerns were about the hotel.

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

**Staker: Aye**

**Elger: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Commission deliberation:** Mr. Young emphasized how important it was to have so many people present to represent their views and encouraged them to participate always.

Mr. Staker said proposals typically brought impacts to neighbors. The Town of Springdale converted Lion Boulevard into parking without consideration for the neighbors. He felt Lion Boulevard had become a de facto commercial area. He didn't see how anyone would want to build a residence on Lion Boulevard as it was now. He was in favor of considering a zone change on the property. He was not, however, in favor of the particular proposal and it would need many adjustments.

Mr. Young spoke to the complexities of the proposal. He appreciated the details provided by the applicant. He felt that a zone change was a request for an exception to the law. The government should only make exceptions to the law in extraordinary circumstances. He didn't see 38 units as a big enough incentive to bend the law for the proposal.

Ms. Elger said the prevailing zoning allowed 20 units, so the applicant was asking for a seven-fold increase in density. She acknowledged the dire need for affordable housing but felt it would take benevolence on the part of a property owner to see it realized. With the respect to the exceptions, the applicant was almost asking for the Commission to create a unique zone. She relayed the beginnings of the company Airbnb which was now valued at \$31 billion. Little did the founders know the negative impacts their business model would have on housing options in small towns by making housing more profitable if rented nightly, not occupied permanently. It was a difficult proposal to support and the numbers weren't working in her eyes.

Mr. Marriott had voted in favor of the zone change on one of the parcels in question the last time a zone change request was reviewed. He was generally open to a zone change but the part of this particular proposal that had been difficult was the proportional component. He spoke on the guidelines for approving an overlay zone and he noted the need for the project to be in "harmony" and "proportionality" with the surroundings. He thought the proposal was lacking in those elements. He also had concerns about who the affordable housing would ultimately benefit. It would have to be subsidized at a higher rate than the applicant was asserting. The current proposal did not seem proportional and would be difficult to support.

Mr. Pitti did not vote in favor of the zone change in the past. He felt the proposal pushed the boundaries too much. Not only was the applicant asking for a zone change to build a hotel, the applicant was asking the Commission to approve an increase in the number of units that grossly exceeded the allowable unit count. A 106-unit hotel was a 15% increase over the allowable 92 units in a VC-zoned property of this

size and would make it the third largest hotel in Town. Mr. Pitti reminded the Commission about the roughly 524 more units coming online through development agreements and/or properties that were already allowed to build within the confines of their zoning. He did not think that adding 106 more units was in the best interest of the community goals. He said that everyone was looking at the “mouse” that was affordable housing and had failed to see the elephant in the room. The 36-unit proposal grossly exceeded the six allowable structures in the FR zone and would not meet the required size, setbacks, separation of buildings, or landscaping. It would also be five times larger (a 500% increase) than what would be allowed under the Town Code.

Mr. Pitti felt the notion of “who would want to live there” was elitist and absurd. He offered a mock real estate advertisement: “Home for sale or duplex for rent less than 1/2 a mile from the Park entrance surrounded by Zion on three sides with views of the Watchman and West Temple. Walkable to tennis, pickle ball and volleyball courts, public library, community center, grocery store and Town shuttle.” But, he asked, who would want to live there?

Mr. Pitti said the applicant approached Council members and Commissioners shortly after purchasing the property with the sole interest of knowing what components would meet an approval. Affordable housing was the hook needed for people to ignore the elephant in the room.

Mr. Pitti concluded that the application pushed all of the boundaries beyond its limits within the current ordinances, asking the Commission to sacrifice the tenets they had worked so hard to achieve, and would ultimately open the door for future applicants to do the same. He would not support the zone change.

Mr. Burns relayed his gratitude to the members of the community who came to the public hearing and hoped that it would help remind each other of how blessed they all were to be here. The Commission had to be careful in sorting through what was best for the community and what was best for the developer. The proposal was a big ask. He had concluded that the return to the Town and community was minimal. It was a lodging project that had a carrot dangling in front of it for affordable housing. It was contrary to almost everything in the General Plan. No one in Town wanted to see another large hotel. The “build to accommodate” mentality was incredibly dangerous and would contribute to the degradation to the Town. He had hopes that a visionary with the financial means would come before the Commission with a proposal that would truly help the community, with consideration paid to protection of the area. The Commission had to ensure that their focus remained wide. It was not just about what was before them today but what would come before them tomorrow. He could not support the proposal.

Mr. Stone ventured that if Zion National Park developed infrastructure to suit the needs and numbers of people who visited, it would diminish why they came to visit in the first place. Because of that, Zion would never consider turning itself into something else just to meet the need of people seeking a theme park. The land in question for the proposal was designated for much less density. The proposal before them did not submit enough merit to make such a zone change. He did not support the zone change.

Ms. Bruno spoke to the merits of Springdale and the reasons that led her to settle here. Zone changes should be the exception and not the rule. The current proposal did not meet the burden of proof enough to overturn a zoning decision that had been made in the past with thoughtful deliberation.

Mr. Young explained the Commission’s voting process for the benefit of the public. It would only take three votes to approve or deny the recommendation of the proposal. He also wondered if it would be wise to table the item to seek legal opinion.

Mr. Pitti originally expected that the Commission would table the item but he had heard a unified voice.

**Motion made by Suzanne Elger to deny the zone change request on parcels S-137-A, S-102-B-1, S-102-B-2, and S-102-6 from Valley Residential and Foothill Residential to Village Commercial - Moderate-Income Housing Development Overlay and Foothill Residential - Moderate-Income**

Housing Development Overlay as presented in the application. The motion is based on the following findings:

The Planning Commission finds that the scale of the development is not consistent with the Town's village scale and it is asking for a density anywhere from five to seven times what the current zoning allows.

The Commission finds that the likely impacts on traffic are negative, the impacts of the proposed development will affect the adjacent properties with respect to increase of noise, increase of lighting, and visual impacts.

The Planning Commission also finds that the affordable housing component does not have enough impact to achieve goals identified in the General Plan because the proposed amount of affordable housing is too small.

The Planning Commission also finds that the project will not comply with the following zoning and land use standards: The number of hotel units and housing units requested are greater than what the Village Commercial and Foothill Residential zones allow, the affordable housing buildings in the Foothill Residential zoned portion of the property are larger than what the Foothill Residential zone allows, the affordable housing buildings in the Foothill Residential zoned portion of the property do not meet the required setbacks, the buildings in both the Foothill Residential and Village Commercial zone do not meet the required separation between building requirements.

The Planning Commission also finds that this application does not promote more fully the objectives and purposes of the land use ordinance in the General Plan, does not correct manifest errors, and does not accommodate substantial changes in the conditions as found in Town Code 10-3-2A. In order to approve this application at least one of these three criteria must be met, and this application does not meet any of the three; seconded by Joe Pitti.

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

Consent Agenda:  
Motion made by Joe Pitti to approve the consent agenda for July 17<sup>th</sup>; seconded by Suzanne Elger.

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

Motion to adjourn at 8:57 pm made by Allan Staker; seconded by Suzanne Elger.

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

  
Katy Brown, Deputy Clerk

APPROVAL:  DATE: 9-18-19

**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](mailto: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 8/21/19

Linda Weston  
Name (please print)

JASON PIETREAK  
Name (please print)

Brad Weston  
Name (please print)

Truy Hoyt  
Name (please print)

Linda Holmstead  
Name (please print)

Name (please print)

Mark Chambers  
Name (please print)

Name (please print)

Pauline Ariles (Redhawk Mgr)  
Name (please print)

Name (please print)

Lance Morris  
Name (please print)



PO Box 187 118 Lion Blvd Springdale UT 84767

**ATTENDANCE RECORD**  
Please print your name below

Meeting Planning Commission Regular Meeting Date 8/21/19

Scott Hanakusik  
Name (please print)

Bonnie Wegher Saerig  
Name (please print)

Janece Stroud-Settles  
Name (please print)

Geoff Stroud-Settles  
Name (please print)

Alex Pelton  
Name (please print)

Rebecca McKinnon  
Name (please print)

Jonathan Zambella  
Name (please print)

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Name (please print)

Scott J. Hinckley  
Name (please print)

Bonnie Wegher Saerig  
Name (please print)

Nicholas Mazitka  
Name (please print)

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Name (please print)