



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY SEPTEMBER 18, AT 5:00PM
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00PM

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

EXCUSED: Allan Staker

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

Approval of the Agenda: Motion made by Joe Pitti to approve the agenda; seconded by Tyler Young.

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Ms. Carlson led the Pledge of Allegiance.

Commission discussion and announcements: The Utah Chapter of the American Planning Association recognized Springdale's Virgin River Management Plan as the Outstanding Plan for 2019. Ms. Frankenberg would receive the award at the fall conference in Salt Lake City on October 3rd.

The Town continued to work with consultants on the technical analysis of the Virgin River Management Plan. An open house would be held on October 17th to receive public input.

The planning process was underway, in partnership with the Zion Regional Collaborative, to determine the feasibility of a regional trail connecting Springdale to Hurricane. The public was encouraged to participate in a survey and learn more at zionpathway.org.

Jack Burns arrived at 5:05pm.

Mr. Pitti commented the new street light shields were great and a noticeable improvement.

Action Items

1. Public Hearing - Conditional Use Permit: Regina and Fred Pagles request a conditional use permit to operate a transient lodging facility at 1001 Zion Park Boulevard, Unit #7: Mr. Dansie said this agenda item and the next were very similar and would allow conditional use permits for transient lodging in the Juniper Grove subdivision (previously known as the Sol Town subdivision). The property owners wanted to vest their rights in the ability to rent their unit on a nightly basis.

The application appeared to meet standards in the ordinance however Mr. Dansie recommended the Commission discuss parking concerns. Converting the use from residential to transient lodging required one additional parking space per unit. Originally there were sixteen required parking spaces for the eight units; if three units converted to nightly rentals, the required parking spaces would increase to nineteen spaces. The applicant recently submitted a revised parking layout and fire truck turnaround plan.

Commission questions to staff: Mr. Marriott asked about ownership of the parking stalls and if consent from other owners was needed in order to use the spaces as requested.

- The recorded subdivision plat showed two assigned parking spaces for each of the eight units. This area was considered limited common area. The third stall needed for transient lodging use was general common area and not owned by any particular unit. Mr. Dansie said it would be a legitimate request to verify other homeowners had consented to the use of the common area for transient lodging parking.

Mr. Pitti asked if the parking spaces drawn on the plat would need to be verified.

- In practice, parking was not as formal as what showed on the plat. Mr. Dansie agreed it would be good to confirm the parking continued to meet all land use requirements.
- It was clarified a garbage container could not occupy a required parking space.

Ms. Elger asked if a parking space could be near a fire hydrant, and if the requirements for a fire truck turnaround had been met.

- Mr. Dansie indicated fire code required three feet (3') of clearance around a fire hydrant. He was unsure if the fire marshal and the applicants had met regarding the fire truck turnaround.

Issuing a CUP was the first step. Ms. Frankenburg said the property owner would then be required to get a business license and fire marshal approval was needed to complete that process.

Mr. Young asked if another controlling body needed to be consulted before the CUP request was approved.

- Mr. Pitti answered the Planning Commission acted independently from any Home Owners Association.

Mr. Pagles added they had not created any new parking spaces. The existing spaces were as they had been when the property was developed.

Ms. Elger asked if this property was adjacent to a residential zone.

- Mr. Dansie indicated the unit backed up against a commercial property.

Public questions to staff: Tyler Kukahiko with Mountain Vista Development asked if there had been a recent ordinance change concerning nightly rentals or transient lodging.

- Mr. Dansie confirmed there had not been a change.

Summary explanation and presentation by the applicant: Regina and Fred Pagles were in attendance. Mr. Pagles indicated they expected to continue to live in the unit but with this request were looking to exercise their right to obtain a conditional use permit on this property. Regina Pagles pointed out they were surrounded by commercial properties including short-term rentals. They wanted to preserve the opportunity to use their unit in the same way in the future.

Commission questions to applicant: None were asked.

Public questions to applicant: None were asked.

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

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Public Comments: Springdale resident Christine Wolken said she served on the Planning Commission for two terms and worked on affordable housing. She didn't want to change the Town's village-scape and

favored controlled growth. Ms. Wolken and her husband owned a tiny part of Springdale but had become jaded. The only reason Juniper Grove residents were trying to obtain CUPs was because it was within their legal, binding right. Concern that CUPs for transient lodging might change, by establishing a cap, raised a red flag for their small community. In addition to being property owners they were neighbors and friends. Ms. Wolken said it was important to understand the difference between land use and personal interests. They were inundated by short-term rentals every day. Short-term rentals were not allowed in residential areas however being Village Commercial, this area was different.

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

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Commission deliberation: Mr. Young said the application was fairly straight forward but expressed concern about approving a request that trespassed on shared land owner use. He was unsure if this should be a concern for the Planning Commission.

Ms. Elger had concern about fire accessibility.

Mr. Pitti was not concerned about the unit being used as a nightly rental. However, before making a decision, he suggested the plat be revised to accurately reflect the parking spaces and fire turnaround.

If three units in the subdivision had transient lodging CUPs, Ms. Elger observed the development would be out of parking spaces.

Mr. Marriott asked if the plat was outdated.

- The plat was not outdated and showed how property ownership was assigned. Mr. Dansie said the Commission was within their right to clarify the applicant had authorization from other subdivision property owners to use the common area parking spaces for the conditional use, and there was room for a fire truck turnaround.

Mr. Marriott questioned how nineteen parking spaces came about since the plat depicted sixteen.

- The parking spaces used in practice were not as shown on the plat. The applicant provided measurements of what parking spaces currently existed.

Mr. Pitti wanted the applicant to provide more definitive drawings to better inform the Commission's decision. He reminded this was required of other applications too.

- Mr. Burns said applications needed to stand on their own merit. The Commission could only make recommendations based on the information submitted. He agreed with the need to get approval from other owners before the Town approved a use for a common area.

Commissioners reiterated they did not have concerns about the use but wanted additional information about the parking spaces and fire truck turnaround.

Motion made by Joe Pitti to table the Conditional Use Permit application for a transient lodging facility at 1001 Zion Park Boulevard - #7, Fred and Regina Pagles. The Commission finds the application is lacking details to make an informed decision related to the common area parking information provided by the applicant.

The Commission is asking the applicant to provide a more detailed plan of the common area parking lot parking spaces with measured definition of setbacks and spaces per vehicle as well as designated spaces to support the conditional use permits.

The Commission also requests the fire marshal to visit the property and submit a letter of approval regarding fire service access and area designation.

The Commission also asks the applicant to provide a more detailed area for trash pick-up designation.

The Commission has also determined that the area marked as “limited common area” on the recorded plat is shown as unrestricted common area. The Commission has determined that the parking spaces in the “limited common area” are owned in common by all home owners and therefore requiring written authorization from the owners in the subdivision to use the common area as parking to support the conditional use permits. Seconded by Suzanne Elger.

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

2. Public Hearing – Conditional Use Permit: Kimberly and Daniel Clark request a conditional use permit to operate a transient lodging facility at 1001 Zion Park Boulevard, Unit #4: Mr. Dansie said this request had essentially the same issues discussed with the previous application.

Commission questions to staff: None were asked.

Public questions to staff: None were asked.

Summary explanation and presentation by the applicant: Mr. Pagles provided verbal authorization for the Clark's, and any others, to use his parking spots if needed. He said neighbors were not required to notify other neighbors when visitors were using the parking spaces.

- Since there was common ownership in the parking spaces, the Commission expressed the need for consensus from other owners.
- Mr. Pitti added that standards for CUPs, and lodging in general, were higher.

Mr. Pagles acknowledged the fire marshal had provided a list of what was required. He understood a review and approval would eventually be needed to get a business license.

Ms. Bruno asked if there was originally a requirement for fire access.

- When the subdivision was approved, Mr. Dansie assumed the fire marshal reviewed and authorized the plat.

The applicant was not present to answer questions from the Commission.

Motion made by Joe Pitti to open public hearing. Seconded by Tyler Young.

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Public Comments: Regina Pagles questioned if requiring other homeowner approval was more a consideration for the HOA than the Planning Commission. She recalled the Wolken's did not need to ask permission for use of the parking spaces when they requested a CUP.

- Mr. Marriott acknowledged this question was not asked of the applicant when the Planning Commission reviewed the Wolken's application.
- The Town did not involve itself with the inner workings of an HOA or enforcement of CCRs. However, Mr. Dansie explained the Planning Commission was concerned with authorizing an

additional use of common area parking spaces to support a commercial use for an individual unit owner.

Motion made by Suzanne Elger to close public hearing. Seconded by Jack Burns.

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Commission deliberation: With the Wolken's application, the Planning Commission did not have the parking space information provided with these other CUPs requests. With that, Mr. Pitti said Commissioners learned as they went along and strengthened their decisions.

If there were nineteen parking spaces in practice versus sixteen as indicated on the plat, the Commission said it was reasonable to have the dimensions verified to ensure a fire truck had the necessary turnaround space.

Given that fire access was likely looked at in the past, Ms. Bruno was less concerned with this issue than the fact that every approved CUP took away parking spots from other home owners. Although there was no formal cap on the number of CUPs allowed in this Village Commercial subdivision, the limiting factor was the number of parking spaces.

Motion made by Joe Pitti to table the Conditional Use Permit application for a transient lodging facility at 1001 Zion Park Boulevard - #4, Kimberly and Daniel Clark. The Commission finds the application is lacking details to make an informed decision related to the common area parking information provided by the applicant.

The Commission is asking the applicant to provide a more detailed plan of the common area parking lot parking spaces with measured definition of setbacks and spaces per vehicle as well as designated spaces to support the conditional use permits.

The Commission also requests the fire marshal to visit the property and submit a letter of approval regarding fire service access and area designation.

The Commission also asks the applicant to provide a more detailed area for trash pick-up designation.

The Commission has also determined that the area marked as "limited common area" on the recorded plat is shown as unrestricted common area. The Commission has determined that the parking spaces in the "limited common area" are owned in common by all home owners and therefore requiring written authorization from the owners in the subdivision to use the common area as parking to support the conditional use permits. Seconded by Suzanne Elger.

Young: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

3. Public Hearing – Design/Development Review: Canyon Ranch: This request was a follow-up to the development agreement between the Town and the Best Western Hotel allowing construction of eight (8) additional units in exchange for the deed to a structure and underlying property for a future history center. Mr. Dansie noted the development agreement contained a number of intervening procedural steps before it became fully effective. Any motion for approval should be contingent on these steps being satisfied.

Mr. Dansie mentioned the submission did not contain specific details about outdoor lighting, but that the applicant had indicated it would be the same as the existing. Also, the masonry block wall for the new trash enclosure must be covered with an approved material.

Commission questions to staff: If the Town's due diligence of the history center property was found to be unsatisfactory, Mr. Pitti asked if the applicant could still build the eight (8) hotel units.

- Mr. Dansie reference paragraph 5 of the development agreement which read: "*The incentives provided to Developer under this Agreement are preconditioned on the favorable outcome of the Town's due diligence regarding the condition and status of the Historic Building and the Best Western Property generally*".

In summary, there must be satisfactory resolution of the due diligence in order for the incentive of eight (8) units to be effective.

- Paragraph 13 of the development agreement addressed the developer's vested rights. After the due diligence period concluded, they had a vested right to develop the eight (8) units.

There were additional requirements including subdivision of the property and a DDR from the Town for rehabilitation of the historic building before a building permit was issued, or a deed to the property transferred.

Public questions to staff: None were asked.

Mr. Young stepped out briefly. Ms. Bruno took over as a voting Commissioner.

Summary explanation and presentation by the applicant: Clay Lister, representing the applicant, confirmed the exterior lighting, colors and materials would match what had been done previously. He would forward specifications to the Town to file with the application information.

Commission questions to the applicant: Ms. Elger questioned the number of trees being removed. Detail on the landscape plan made it difficult to determine.

- Mr. Lister did not have a plan indicating the number of trees being removed and replanted.

Public questions to the applicant: None were asked.

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

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

Public Comments: No comments were made.

Motion made by Joe Pitti to close public hearing. Seconded by Jack Burns

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: Mr. Marriott did not have any issues and said the DDR appeared to meet the standards.

- The Commission agreed the applicant should provide more detail for landscape, outdoor lighting, exterior materials, and the surface of the dumpster enclosure.

The Town could ask new outdoor lighting standards be met; however, the ordinance had not yet been adopted by the Council.

Motion made by Suzanne Elger to approve the Design/Development Review for the eight (8) additional lodging units at 668 Zion Park Boulevard. The motion is based on the following findings: The Commission finds the application complies with the Town standards for lot area, setbacks, building size, building height, and parking. The Planning Commission notes the development is being developed to exceed the unit count as indicated by the development agreement with the Town. The Planning Commission recommends the following conditions for approval: 1. The applicant submits details of an outdoor lighting plan to ensure compliance with the outdoor lighting standards; 2. The applicant submits a landscape plan that indicates the number of trees and shrubs being removed and replaced; 3. The applicant must surface the exterior of the dumpster unit with an approved exterior building material; 4. The applicant must ensure the colors and materials they use conform to the color palette; 5. The approval of this Design/Development Review is contingent on all the necessary proceeding administrative steps in the development agreement being satisfied; the development agreement being the one dated May 8, 2019 between the Town of Springdale and Canyon Ranch Hotel, LLC. Seconded by Barbara Bruno.

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

Consent Agenda:

Motion made by Suzanne Elger to approve the consent agenda. Seconded by Joe Pitti.

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

Motion to adjourn at 6:30pm made by Jack Burns. Seconded by Suzanne Elger.

Elger: Aye

Marriott: Aye

Pitti: Aye

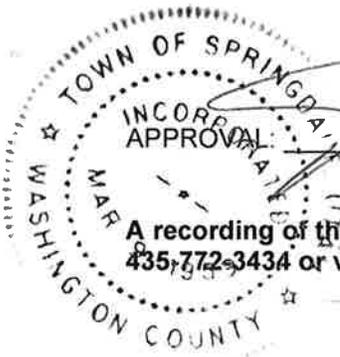
Burns: Aye

Bruno: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk



DATE: 10-16-19

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.



118 Lion Blvd PO Box 187 Springdale, UT 84767 435-772-3434

ATTENDANCE RECORD

Please print your name below.

Meeting Planning Commission Date 9/18/19

Regina Pagles
Name (please print)

Name (please print)

Fred Pagles
Name (please print)

Name (please print)

[Signature]
Name (please print)

Name (please print)

J.M. Dolken
Name (please print)

Name (please print)

Lila Moss
Name (please print)

Name (please print)

Tyler Kukahiko
Name (please print)

Name (please print)

Clay Lister
Name (please print)

Name (please print)

Brian Kane - Watts Construction
Name (please print)

Name (please print)

Name (please print)

Name (please print)