



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION SPECIAL MEETING ON WEDNESDAY
NOVEMBER 3, 2021 AT 5:00 PM
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD, SPRINGDALE, UT 84767.**

Meeting convened at 05:00 pm.

MEMBERS PRESENT: Chair Barbara Bruno, Commissioners Jack Burns, Tom Kenaston, Ric Rioux, Kyla Topham, Noel Benson, Pam Inghram, and Susan McPartland from Zion National Park.
ALSO PRESENT: Director of Community Development Thomas Dansie, Planning Technician Shelly Heaton, Town Clerk Darci Carlson, and Deputy Clerk Aren Emerson recording. See attached sheet for attendees known to have logged into Zoom.

Approval of the Agenda: Motion made by Jack Burns to approve the agenda. Seconded by Kyla Topham.
Topham: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Kenaston: Aye
Motion Passed unanimously.

Commission discussion and announcements: Mr. Dansie asked the Commission to consider items that they might discuss in a future work meeting in January 2022. The Commission decided to hold a special meeting to discuss a backlog of items before the end of the year.

Ms. Carlson announced that the unofficial preliminary election results were released yesterday, she explained that the County would be counting any additional qualified ballots received. The official results would be announced at the canvass meeting on November 10th during the Town Council meeting.

A. Action Items

- 1. Public Hearing – Conditional Use Permit:** Robert McMahon requests a conditional use permit for a transient lodging facility at 29 Big Springs Road in the VC zone.

This was a request for a six-unit transient lodging facility at 29 Big Springs Rd. Transient lodging facilities were conditional uses in the VC zone, which meant that the use was allowed in the zone, but there may be impacts of the use on surrounding properties. The purpose of the CUP was to identify what impacts adjacent properties might face, based on the standards of the ordinance, and to determine if any mitigating conditions would need to be placed on the approval of the permit to mitigate those impacts. If no reasonable conditions could be placed on the permit to successfully mitigate the impacts of the proposed use, the Commission may deny the permit. Section 10-3A-3(F) of the code required conditional uses that were projected to generate more than ten vehicular trips per day, to be located on a dedicated public street. With six transient lodging units the proposed use was projected to generate 18 which meant that it would be subject to the standard of being located on a dedicated public street. Big Springs Road was currently not a dedicated public street, it was dedicated as an ingress/egress easement which accessed several properties including this one. Should that road become a dedicated public road, it would make the proposed parking area fail to meet the required 30-foot front setback.

Commission Questions to Staff:

Ms. Topham asked if Big Springs Road were to become a dedicated public street would the Town, then be responsible for maintenance of that street.

- That was correct.

Mr. Rioux asked if drainage or the installation of curbs were required if the road became a dedicated public street. He also asked if the entire road would become a dedicated public street, or if it would end at the property.

- Depending on the analysis of the Streets Department and the Town Engineer, there could be requirements for drainage improvements such as curb and gutter. All of the issues would be analyzed if and when there was a proposal to dedicate Big Springs as a dedicated public street.
- In order to make this property comply with the standards for being located on a dedicated public street, the road only needed to be dedicated to the end of the property.

Mr. Benson asked what was required for the road to become a dedicated public street past the applicant's property line.

- There would be a road dedication plat prepared, which identified the meets and bounds of the area being dedicated. It would have the property owners consent to dedicate the area as a dedicated public street, as well as the Town's acceptance of the street as a dedicated public street.

Mr. Benson asked how much the anticipated development costs were and who would be responsible for payment.

- In the current instance, since the property owner was proposing the road dedication, that expense of preparing the road dedication plat would be at the expense of the property owner.
- Without knowing what improvements would be necessary it would be difficult to estimate a cost, but there could be some fairly significant costs if drainage improvements, such as curb, or gutter were required.

Public Questions to Staff: None were asked.

Presentation from applicant: Robert McMahon stated that in designing the building, it was important to have elements that added to the village character of Springdale. He addressed employee parking, and explained that it would be the existing parking in front of the property. He also stated that he did not want the road to turn into a service road, with a high potential to impact the residential community. He asked Mr. Dansie if the connecting roads were private, and how they would meet the requirements in the Village Commercial zone for public access on a public street.

- The 1994 settlement agreement between the Town and developer of that property, clarified that transient lodging was a permitted use in those zones, rather than a conditional or temporary use.

Commission Questions to Applicant:

Mr. Benson asked if the applicant would prefer if the street was not a dedicated public street.

- He stated that he was unsure of which direction to go.

Ms. Bruno asked if the applicant had spoken with his neighbors about their intentions with Big Springs Road.

- He had not, because he felt as though it was out of his wheelhouse.

Questions by the public to the Applicant: None were asked.

Motion made by Ric Rioux to open the Public Hearing: Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

Public Comment:

Nancy Goodell stated that the commercial impacts of this development would be significant to the surrounding residential area. Opening up the road would then encourage more traffic to the residential area. The residents of the area would appreciate the consideration from the Planning Commission and Town Council of those impacts.

Betina Lindsey stated that she had heard complaints from some people because the noise from the buses caused disruption, as well as the tourists that walked through that road to get to Springhill Suites.

Motion to close the Public Hearing made by Jack Burns, seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

Commission deliberation:

The Commission discussed the challenges the current proposal faced, such as the increase of noise, and traffic, which would affect neighboring residents. In order for the standards to be met, Big Springs Road needed to be a dedicated public street, which ultimately required approval from the Town Council.

Ms. McPartland stated that recently there had been a plethora of transient lodging proposals, and the Commission should focus on adding businesses that benefitted the residents of Springdale.

Mr. Kenaston explained that the ordinance stated that if the Planning Commission was able to apply reasonable conditions to the CUP, then they should approve the proposal. Although the adjacent residents needed to come to a consensus, adding the dedication of a public street as a condition was a way the Commission could approve the application.

Motion made by Jack Burns that the Commission recommends denial of a conditional use permit for a six-unit transient lodging facility at 29 Big Springs Road. This motion is based on the following findings: The subject property is accessed off Big Springs Road. Big Springs Road resides in a 30-foot-wide ingress / egress easement across the subject property (and adjacent properties). The proposed use will require the dedication of Big Springs Road as a public right-of-way. For a conditional use permit to be issued for the proposed use all Land Use Standards and Title 10-3A-3(F) must be met. Seconded by Ric Rioux.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: No

Motion passed 4:1.

2. **Public Hearing – Development Agreement:** Chip Leigh, representing Rivian and JuleMax Enterprises, requests a development agreement pursuant to section 10-1-7 of the Town Code to

allow an electric vehicle charging station to be installed at 35 Lion Boulevard with a reduced front setback.

Per section 10-1-7 of the Town code, development agreements were discretionary approvals. This meant that the Commission was responsible for evaluating the proposal in terms of the criteria that was established in the ordinance for development agreements, and making a recommendation to the Town Council. The general purpose of development agreements was to encourage developments that promoted the goals and objectives of the general plan, and provided a public benefit to the community, and in return the Town would be authorized to offer development incentives to the property owner or developer. The current request was for a reduced front setback from 30 feet to zero feet to allow development of an electric vehicle charging station. The public benefit being offered was access to four level two electric vehicle chargers, enhanced streetscape improvements associated with the development, as well as pedestrian and bicycle infrastructure improvements, such as shaded areas, bicycle repair, and air stations for tires. The Commission needed to decide if the public benefit offered with the proposal justified the development incentive being requested.

Commission Questions to Staff:

Ms. Topham asked if the Commission could discuss revisions that they felt necessary, to make the public benefit and development incentive work.

- Since the proposal was a conceptual development plan requesting a discretionary approval, the Commission could discuss with the applicant any revisions or alterations needed to balance the public benefit and development incentive.

Public Questions to Staff: None were asked.

Presentation from applicant:

Cody Thornton represented Rivian Automotive as well as Julie and Max Gregoric. Rivian Automotive was an American electric vehicle manufacturer, currently producing the first all-electric adventure vehicles capable of towing, off-roading, and supporting the country's transition to sustainable travel. When presented with the 30-foot setback, they decided to invest additional capital into the project that would create public benefit, provide the first publicly available charging station in downtown Springdale, and allow the company to enable charging for its drivers visiting the Town. Currently, there was development for a charging station in Colorado, but the site was not open yet. It was unknown how many Rivian drivers drive through Springdale on a daily basis. They were looking to start construction of the charging stations as soon as possible, to mirror the production and delivery of their vehicles.

Commission Questions to Applicant:

Mr. Burns asked why the development needed a zero-foot setback, and explained that it was a large ask.

- The applicant did not want to reduce any of their existing parking, which had left Rivian with a smaller area for development. In order for easy pass of ingress and egress, as well as allowing one of the charging stations to accommodate a vehicle towing a trailer, and to potentially eliminate danger to the chargers, such as rocks sliding as a result of another flood, the zero-foot setback was needed. Rivian wanted to find a solution that worked for the existing amenities on site, in order to not take away from any of the Town's businesses. Educational display boards would be added.
- Mr. Dansie stated that the setback could be increased from zero feet, but some of the amenities that the applicant was offering would need to be changed, or eliminated.

Mr. Benson asked if the electric hook ups were compatible to other types of electric vehicles.

- Level two charging takes from two to six hours to charge an electric vehicle that uses the J-1772 standard plug, which was compatible for the majority of electric vehicles manufactured. These chargers would be open for public use at a slower charging rate.

- The DC fast chargers had the standard connectors called the CCS1, which was outfitted to be universally accepted outside of Tesla, since they had a proprietary connector and software. The DC fast chargers would be reserved for Rivian vehicles only.

Ms. Inghram asked why Rivian would not dedicate at least two fast chargers to their customers or the residents.

- The reasoning for reserving the level three chargers for Rivian drivers was to enhance their customer's experience, and for quality control to access all of the data from Rivian vehicles. The applicant stated that in the future the chargers could be opened to other manufactured electric vehicles.

Ms. Inghram asked who would be responsible for the electricity payment, and who would receive the incentives.

- Currently, Rivian couldn't submit for incentive funds because of the decision made to be a closed network on the fast-charging side.
- Rocky Mountain Power utility infrastructure programs have to provide open network charging, so Rivian could not submit for those. The electricity bill would be set up and metered in Rivian's name and billed directly to them, in which the expenses would be out of pocket.

Mr. Kenaston asked if any of the Amazon delivery vans, or the new Ford electric vehicles would be able to use the chargers.

- From a hardware standpoint the Ford electric vehicles would be compatible with the fast chargers, but the chargers would be available for non-commercial Rivian vehicles only.

Ms. McPartland stated that there was a need for additional electric vehicle charging stations, but the concern was in regard to enforcement of the potential abuse of tourists using the stations as parking spaces. She also inquired about hourly or daily rates for using the charging station.

- The abuse of parking would be mitigated through signage. They were working on a strategy to eliminate that issue. Their company did not want the admin burden to fall onto the Town.
- The pricing strategy was not clearly defined at this time.

Ms. Inghram asked what the company has done in terms of scenario analysis for the number of vehicles that would be charging at their VC charging station.

- The numbers were unknown, but could be provided in the future.

Ms. Topham asked if they would be open to implementing an exit strategy in the agreement.

- No, because if the chargers did not get used, it would not cost Rivian money. In terms of maintaining the streetscape and public benefit it needed to be maintained regardless of the outcome.

Ms. Bruno asked if the infrastructures could be switched out over time, to allow more public benefit until the demand for Rivian vehicles was increased.

- The conduit sizing and the infrastructure that would be running it was different.

Questions by the public to the Applicant: None were asked.

Motion made by Jack Burns to open the Public Hearing: Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

Public Comment: None were made.

Motion to close the Public Hearing made by Tom Kenaston, seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

Commission deliberation:

The Commission discussed that the development aligned with the part of the General Plan that encouraged electric vehicles. The concern was that there would be more benefit to Rivian rather than the residents of the Town. The Commission discussed tabling the proposed development so they could address some of the issues before making a recommendation to the Town Council.

Mr. Benson expressed concern the majority of electric vehicles going through Town were Teslas which would not be compatible with the Rivian chargers.

Motion made by Ric Rioux to table the proposed development of the reduced setback to be installed at 35 Lion Blvd until the Planning Commission receives more information from the applicant to better understand and make a well informed recommendation to the Town Council. Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

3. Residential Design Development Review: Anasazi Plateau Lot 56 – Ben Garner.

The Planning Commission normally would not review residential DDR's, however this was a high visual impact lot, and because of the complex location of the lot the Planning Commission would need to review the DDR. The proposed development met the majority of the land use standards, however pursuant to the recently adopted residential building size and height ordinance, in order for the development to qualify for the 5,000 square foot building size and 20-foot building height, the property owner needed to request the height and size incentive bonus. That would mean that the property was subject to the Town's design standards for colors, materials, and landscape. The lot was in the high-risk category for landslides, so a new geotechnical report needed to be submitted referencing geohazard risks, specifically landslide risks.

Ms. Bruno disclosed that her residence was on Anasazi Plateau, and Ms. Topham disclosed that the applicant was using the same contractor as her.

Ms. Inghram stated that the proposed development qualified as an international style home, which was prohibited. She asked if the proposed development needed to follow the design standards, such as gable roofing and covered porches. She wondered if a more detailed layout of the design materials would be needed to help the Commission determine if the proposed development was intended to be of a Southwest style.

- In chapter 16, which was the Town's architectural standards and design guidelines, there were acceptable and prohibited styles laid out. Acceptable styles included parkitecture as well as Santa Fe. Although not a town requirement, in the Anasazi Plateau CC&Rs there was a requirement for a Southwest style design.

- The Town currently required gabled roofs and covered front entries in some instances. For development in the Central Commercial zone, there was a requirement for a covered front entry. There was also a general requirement for rooflines to have a pitch, or not have a flat roofline, except if the Commission determined that it would be acceptable for other reasons, such as CC&Rs that encourage certain design aspects like flat rooflines to match the other homes in that area.

Mr. Dansie cautioned the Commission to reference the standards in the ordinance rather than opinion related feedback, so the applicant would have an understanding of what they would need to do in order to gain approval.

Luke Wilson was the owner of Canyon Contracting, and stated that the Architect Ben Garner, the owner of Nevis Home Design, was representing Kelly Evans who owned the property. Ben Garner stated that the architectural drawing was a conceptual model for the client so they could have an idea of scale and shape. Materials or anything to give it detail was not included in the layout. The two-dimensional representation of the proposed development was very bare in terms of showing what materials would be used to make the development qualify as a Southwest style house. The proposed development had not yet been approved by the Anasazi Architectural Control Committee, but they were willing to take the proposed project to the ACC to ensure that the project could move forward and be compliant with the ordinance.

The Commission discussed the issue with having the proposed development qualify as a Southwest style home. They recommended the applicant and design team familiarize themselves with the incentive agreement details, and what was required, and to come back to the Commission with more detailed visuals to demonstrate the style of home. They also suggested creating a more detailed rendering as well as getting approval from the Anasazi Architectural Control Committee as a Southwest style home, before requesting approval from the Commission.

Motion made by Tom Kenaston that the Commission would like to table the proposed design development review for Anasazi Plateau Lot 56, based on the plans presented in this meeting. The motion is based on the following findings: The proposed structure in the residential zone is therefore subject to the ordinance found in chapter 10-9(A) of the Town Code to include 10-9A-13 and 10-9A-16. The lot has been designated as a high visual impact lot, which means the building height for the lot is reduced compared to the height for a normal lot. The Commission finds that the rendering appears to be more of an International design rather than a Southwest, and therefore we would like to have a more detailed rendering showing facade materials and other views that align with allowable building per Town code. The ordinance 10-16 4 B3 sub paragraph A and B should be reviewed by the applicant to ensure compliance. Seconded by Jack Burns.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

B. Adjourn

Motion to adjourn at 07:03 pm made by Kyla Topham Seconded by Ric Rioux.

Topham: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Kenaston: Aye

Motion passed unanimously.

Aren Emerson

Aren Emerson, Deputy Clerk

APPROVAL: Barbara Bruno

DATE: 11-17-21

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@springdale.utah.gov for more information.





PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting PLANNING COMMISSION SPECIAL MEETING Date 11/03/2021

IN PERSON ATTENDEES:

REMOTE ATTENDEES: *(as signed into Zoom)*
(Clerk will complete)

Amy Thornton (Pivian)
Name (please print)

Cam Hunt
Name (please print)

Mitchell Williams
Name (please print)

Chey
Name (please print)

Chevy Williams
Name (please print)

Passek
Name (please print)

Sam McMeke
Name (please print)

Penny Bach
Name (please print)

Pat McMeke
Name (please print)

Ryan Lee
Name (please print)

BEN GARNER
Name (please print)

Sara Estinger
Name (please print)

Betina Lindsey
Name (please print)

Stephanie DeGraw
Name (please print)

Luke Wilson
Name (please print)

Max G
Name (please print)

Name (please print)

Rick Wixom
Name (please print)

Name (please print)

Jeff
Name (please print)

Name (please print)

Amy Barney
Name (please print)

Name (please print)

Name (please print)

Dear Springdale Town Planning Commission,

As new residents in this beautiful and unique place, we would like to thank you for the opportunity to comment on the development of 29 Big Springs Rd. for transient lodging. This project is [REDACTED] to our residential property. We appreciate the efforts to mitigate the impact of this development, particularly the orientation of the planned duplexes, the attention to a non-asphalt material for parking, and noting the need for a fence on the property line.

By reading the application, we were interested to learn that 29 Big Springs owns the road that we travel daily to our residence. Turning this road into a public right of way could have the greatest impact on the residential feel of our property and the uniqueness of this inner town residential area. Big Springs Road currently operates mostly as a pedestrian road with emergency access to Canyon Springs. We would like it to stay quiet. If the town plans on widening the road in the future, we would certainly like to be included in that discussion. It seems that it could significantly impact our property and the mature trees that currently line the street.

From our perspective, maintaining peace and quiet on our property is our main objective. An 8' fence seems appropriate to divide the two properties between commercial and residential uses.

We would like to pose the following questions to the planning commission:

1. If Big Springs Rd. were made a public right of way, how would that affect our property?
2. Would the road be regraded and widened, or would it remain the same in front of [REDACTED] [REDACTED]
3. Would installation of underground utilities, such as power and internet, be part of the infrastructure change, if the road is altered?

Thank you,

Shayan Rohani and Claire Bollinger
[REDACTED]

----- Forwarded message -----

From: **Nancy Goodell** [REDACTED]
Date: Fri, Oct 29, 2021 at 6:18 PM
Subject: Comment and Questions Regarding McMahon Transient Housing Application
To: Dansie Thomas [REDACTED]

Hi Tom,

I just read your Planning Commission document summarizing this project.

I am against further issuance of Conditional Use Permits impacting this residential area. Big Springs residential-zoned homes exist as an island surrounded and impacted by commercial development. Increased commercial use would negatively impact quality of life even more.

You've outlined the need to convert Big Springs Rd to a dedicated street as a requirement to be met in order to issue a CUP for this project.

If Big Springs were made a public right of way, would this impact the entire street or just the section of street from SR9 through 29 Big Springs? How might it impact my property at [REDACTED] specifically, if at all?

Would the above-described potential change to a public right of way alter the width or angle of the existing access/egress from Big Springs Rd to SR9? Cars driven by those unfamiliar with that intersection already frequently fully block drivers trying to make a left or right turn onto Big Springs from SR9. Just today I was a "sitting duck" in westbound SR9 traffic while I waited and waved to a car to exit Big Springs Rd intersection so I could turn down the street. Those extra 18 trips a day made by transients would add to this problem.

I don't see a trash dumpster in the submitted plans. Is one required? The use of 29 Big Springs as a multi-unit residence generates multiple trash bins of waste each week. Those bins are left visible on Big Springs Rd 24/7. What would the owner do with the trash generated by the addition of six transient units?

Thanks in advance for taking the time to respond to my questions.

Nancy Goodell
[REDACTED]

From: Cheri I. [REDACTED]

Date: Sat, Oct 30, 2021 at 11:18 AM

Subject: Upcoming action items - Over building and over development in Springdale - transient lodging

To: Thomas Dansie tdansie@springdale.utah.gov

Hi Tom,

I hope this day finds you well. Thank you for allowing me to comment on the upcoming action item meetings.

I keep seeing all these requests for permits for development for transient lodging. My concern is that the town is allowing overdeveloping and overbuilding here in Springdale and we won't have any open space left and the views will be obstructed. It seems to be an abundance of requests for development. It also seems like our town is just becoming a town of lodging and nothing else. We need some retail shops and music here in town. Do you have to legally approve all of them? And if the answer is yes, can you allow for them to leave some open space and to not have such HUGE 2 story buildings like LaFAVE?

See below the requests I am referring to lately. This doesn't include the multitude of requests I've been seeing.

Cheri Ikerd

Action Items

1. [PublicHearing - Conditional Use Permit: Robert McMahon requests a conditional use permit for a transient lodging facility at 29 Big Springs Road in the VC zone.](#)

1. **Conditional Use Permit:** 13-unit transient lodging development at 1200 Zion Park Boulevard (Frontier Plunder) – Ryan Lee

2. **Public Budget Hearing:** Resolution 2021-18 to open and amend the FY 2021/22 budget

3. **Conditional Use Permit:** Bean Cotting Munson, LLC requests a conditional use permit to operate a five-unit transient lodging facility at 1212 Zion Park Boulevard in the VC zone – Andrew Green