



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY NOVEMBER 20, AT 5:00PM
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00PM

MEMBERS PRESENT: Chair Mike Marriott, Commissioners Allan Staker, Tyler Young, Joe Pitti, Barbara Bruno and Zion National Park representative J. Treacy Stone

EXCUSED: Suzanne Elger and Jack Burns

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.

Mr. Marriott led the Pledge of Allegiance.

Mr. Dansie noted the public hearing for a Design/Development Review on parcel S-BIT-1 had been postponed and would be reschedule for the December meeting.

Approval of the Agenda: Motion made by Allan Staker to approve the agenda. Seconded by Joe Pitti.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Commission discussion and announcements: The Zion Regional Collaborative Trail Feasibility Study was underway and consultants had scoped initial trail alignments. These maps would be available for community to review and comment at zionpathway.org.

Action Items

1. Public Hearing – Preliminary and Final Subdivision Plat: A subdivision, splitting parcel S-100-A-1-A into two lots, separating the Best Western Hotel from the historic structure in front of the hotel - Town of Springdale: The intent of this proposal was to separate the historic structure from the remainder of the hotel property. This action had been contemplated in the development agreement and would allow the transfer of the property from the current owner to the Town of Springdale. As an administrative item, if the standards in code had been met the Commission should recommend approval.

If a subdivision created three or fewer lots, Town code allowed a preliminary and final plat to be presented together. Mr. Dansie indicated staff analysis was based on the hotel property remaining in the Central Commercial zone and the historic structure parcel being rezoned to Public Use (PU), as would be considered in the subsequent agenda item.

Commission questions to staff: Mr. Marriott questioned vehicular access from SR-9 and the landscape requirement.

- The new curb cut would be in the UDOT right-of-way and not add any non-landscaped area; however, based on staff and Town engineer conceptual drawings, the future driveway and parking spaces would reduce landscape area from 70% to 50% which was the minimum required by the Public Use zone. This analysis would be part of a subsequent Design/Development Review.

- Mr. Pitti noted the property did not meet the required ten-foot (10') side setback standard for the PU zone.
- The setback on the southwest side of the existing building was already noncomplying. With a new lot line drawn between the historic structure parcel and employee housing parcel, neither would meet the required setback from the property line. The development agreement allowed flexibility from the setback requirements for both buildings, but any other development on the property would need to meet the PU setback standards.

Regarding parking standards, Mr. Pitti referenced code section 10-23-7K which specified all on-site parking should be located to the rear or side of buildings.

- Mr. Dansie indicated this was a specific requirement in the CC zone but was a general planning goal for other zones.
- Mr. Pitti said section 10-12-11 also seemed to conflict with front parking in the PU zone.

Mr. Marriott asked the required number of parking spaces.

- The building required between 3-5 parking spaces depending on the configuration and use of the property.

Public questions to staff: None were asked.

Motion made by Joe Pitti to open public hearing. Seconded by Allan Staker.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Public comment: Mark Chambers read his prepared comments into the record (Attachment #1).

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

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: In looking at the standards, Ms. Bruno said the proposal appeared to be compliant. The setback issue was addressed in the development agreement and the zone change would be discussed in the next agenda item. Mr. Young agreed.

- Mr. Staker did not have any issues and said the proposal met parameters.

Mr. Marriott was unsure where the Town stood regarding the historic nature of the building and if modifications could help mitigate setback issues.

- Based on minutes of the Historic Preservation Commission, Mr. Pitti said there was doubt about the historic integrity of the building. Due to its alterations the history was the story, not the structure. He objected this was being handled through the development agreement.

Motion made by Barbara Bruno that the Planning Commission recommends approval of the preliminary and final subdivision plats for the Best Western subdivision, located at 668 Zion Park Boulevard. This motion is based on the following findings: 1) As this is an administrative item, the request meets all the requirements to-date and the development agreement makes an exception for the setback. With the following recommended conditions of approval: 1) The parcel must be rezoned to Public Use; 2) Subject to the Public Works Department reviewing and approving the new culinary water connection and a building permit must not be issued until this is done; 3) The Utah Department of Transportation must give formal written approval for the

proposed access to serve the historic structure parcel and no building permit shall be issued until this is done. Seconded by Tyler Young.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: No

Bruno: Aye

Motion passed.

2. Public Hearing – Zone Change: Changing the zoning of various properties to Public Use (PU). These are properties that have a public use, but are not currently in the PU zone. The properties are: S-101-F, S-101-B, S-134, S-162-A-1-F, S-ANP-1-A (water tanks), S-160-A-4-1 (right-of-way), S-160-B (a portion of the Jolley-Gifford cemetery), S-68 (the historic pioneer cemetery), and the newly created portion of S-100-A-1-A (the historic structure in front of the Best Western hotel) -

Town of Springdale: Mr. Dansie reminded the Commission that in order to recommend approval of a zone change, one of three conditions from section 10-3-2 must be met.

The properties submitted for zone change could be grouped into two categories. The first were properties historically used for public use such as water tanks, rights-of-way, and cemeteries, and would likely never be used for anything other than public use. The second category was the historic structure portion of the Best Western property which was contemplated to be subdivided and used for a history and visitor center pursuant to the development agreement.

Commission questions to staff: Since the historic structure parcel was different in nature from the other properties, the Commission agreed to conduct a separate public hearing.

The Commission proceeded with the public hearing on the following properties:

- S-101-J (not F as noted on the agenda) and S-101-B, contained the small culinary water tank at the intersection of Lion Boulevard and Winderland Lane.
- S-134, contained the abandoned water tank on the landslide area above the Cliffrose Lodge near the Balanced Rock subdivision. The Town had been acquiring property on this hill to preserve as open space.
- S-162-A-1-F, housed an irrigation water tank in the foothills above the Town's River Park. Access was via an unimproved road and the property was surrounded by steep slopes.
- S-ANP-1-A, housed a water tank that served the Anasazi Plateau subdivision. It was surrounded by a conservation easement.
- S-160-A-4-1, located adjacent to and including a portion of the Paradise Road right-of-way which was in a FEMA-mapped flood hazard area.
- S-160-B, included about one-third of the actively-used Jolley-Gifford cemetery.
- S-68, housed a portion of the historic pioneer cemetery.

Many of the parcels had access easements with restrictions making them difficult to develop.

Mr. Staker asked how residentially-zoned parcels came to have public use.

- Mr. Dansie was unsure what decisions led to the establishment of these uses, but said the public uses were incongruous with the existing residential zoning.
- If commercial usage was allowed to continue on a non-commercially zoned property, Mr. Staker questioned if the zone could then be changed.
- In addition to their current public use, Mr. Dansie said it was unlikely these parcels could be developed into anything viable.

Public questions to the staff: None were asked.

Motion made by Allan Staker to open public hearing. Seconded by Joe Pitti.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Public comment: No comments were made.

Motion made by Joe Pitti to close public hearing. Seconded by Barbara Bruno.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: Ms. Bruno had no objection and felt the change was innocuous. This request corrected a manifest error and appeared to be well-documented.

Mr. Marriott asked the rationale that determined this was a manifest error.

- Mr. Dansie said the use of the property was incongruous with the current zoning. Although he was unsure how the zoning designation came about, he said it was an error not to match this public use with the Public Use zone.

Mr. Young agreed it was a manifest error for the cemeteries but was unsure about the water tanks.

- Mr. Marriott noted it was plausible to convert water tanks into housing.

Motion made by Joe Pitti that the Planning Commission recommends approval of the following zone changes on parcels S-101-J, S-101-B, S-134, S-162-A-1-F, S-ANP-1-A, S-160-A-4-1, S-160-B, S-68. The Commission has determined the parcels in question are either non-conforming for the zone in which they are located and better fitted for the PU zone, and that the subject parcels to Public Use zones meet the criteria for zone changes as established in section 10-3-2 of the Town code: A) The proposed zone change promotes the goals and objectives of the General Plan; B) The proposed zoning changes accommodate substantial changes in conditions; C) the proposed zone change will correct manifest errors; Seconded by Barbara Bruno.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Public Hearing – Zone Change: Changing the zoning of the newly created portion of S-100-A-1-A (the historic structure in front of the Best Western hotel) to Public Use:

Commission questions to staff: Given the development agreement, Mr. Young asked if this was a discretionary decision on the part of the Commission.

- All zone changes were discretionary actions. In this case, the development agreement would allow development of the eight (8) units on the Best Western property whether the zone change was granted or not.
- Mr. Dansie clarified. The effect of recommending approval would be the culmination of the development agreement as contemplated. With a recommendation for denial, the subdivision

would not be approved halting the transfer of the property to the Town. Under this scenario, the Best Western would still be able to develop the eight (8) additional units.

Mr. Young asked if the Commission could condition a recommendation for approval.

- Mr. Dansie indicated the Commission could attach conditions to the zone change as long as they were not arbitrary or capricious and were in furtherance of a Town goal.

Public questions to staff: None were asked.

Motion made by Barbara Bruno to enter public hearing. Seconded by Allan Staker.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Public comments: Unlike the other Public Use zone changes contemplated by the Commission, Mr. Chambers said this was an active live zone change. Besides his comments expressed in the plat public hearing about the Town's hypocrisy, in order to achieve this swap, the project had to move into the PU zone which had the most lenient requirements. Those violations that could not be met by the zone change were put into a development agreement. Mr. Chambers asked the zone change be denied.

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

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: Due to the historic nature of Springdale, Mr. Staker said there were properties that could not meet the proper setback and should be grandfathered in. If a setback change to the building was requested, it could not be used as intended.

- Mr. Pitti said the Town was creating a non-conforming lot not grandfathering.

Mr. Young questioned the feasibility of shifting the setback ten feet (10') to comply with the PU standard.

- In reference to the diagram in the staff report, neither the employee housing or the historic structure would meet the ten-foot (10') setback from the lot line.
- Mr. Stone said if a historic structure was eligible to be listed and moved, it would become ineligible. Although it may be feasible to move a structure, the context of the building to the land was part of what made it historic.

Under the results of the Reconnaissance Level Survey, this property was considered 'eligible contributing'. The Town did not intend to seek a nomination to the National Register of Historic Places since it did not meet the criteria.

- Mr. Staker said a historic designation was not necessary for the projected use of the building.

If the building was moved, Mr. Marriott said the site would come more fully into compliance with the PU zone.

- Mr. Young raised concerns about creating a non-conforming lot.

Mr. Pitti said there was an emotional connection to make this happen and felt it was being forced. If another applicant made this request, compliance would be required.

- If a condition was added requiring the setback be moved, Mr. Marriott said the Commission would present a project in full conformance.

Including a condition with the recommendation would project a strong message the Commission took their responsibilities serious relative to the standards in, and enforcement of, Town code.

- Based on a thorough analysis during the development agreement process, Mr. Dansie said the setback issue stood out as the only non-conforming standard for the Public Use zone.

Mr. Staker offered to make a motion recommending approval of the zone change as presented however there was not a second to support it.

Motion made by Tyler Young that the Planning Commission recommends approval of a zone change for the newly subdivided portion of parcel S-100-A-1-A which includes the historic structure in front of the Best Western hotel from Central Commercial to Public Use zone based on the finding that there has been a substantial change in conditions on this parcel. With the condition that the structure on this newly created portion of parcel S-100-A-1-A be brought into full conformance with the requirements of the Public Use zone particularly with it being brought into conformance with a ten-foot (10') setback requirement for the structure. Seconded by Barbara Bruno.

Staker: No

Tyler: Aye

Marriott: Aye

Pitti: Aye Mr. Pitti qualified his vote with a prepared statement: "It has been no secret that I have been outspoken in my opposition to the original proposal of an exchange between the Town of Springdale and the Best Western Hotel for increased density on an already fully developed property in exchange for a run-down building on the corner of its property. I have read the minutes of the Historic Preservation Commission. The National Register Coordinator in the Utah State Historic Preservation Office expressed doubts about the historic integrity of the building in question due to its alterations over time, confirming my concerns from the onset. The history is in the story. I was also told by the Chair of the HPC that they are considering demolishing the building and starting over. My opposition to this proposal has not been without consequences. Some friendships have been damaged, members of the Historic Preservation Commission leadership told other members not to talk with me, and that I believe the vote to have me continue in my position as Chair of the Planning Commission was intercepted because of my opposition to this deal. I am opposed to this exchange because I believe increasing hotel rooms beyond the allowable buildout is counter to the Town Code, General Plan and the community at large. I fully understand that we have non-conforming lots along SR9 because of their history. I feel that dividing the property into a .13 area lot and creating a new lot of this size is incompatible with the goals we are currently discussing along SR9. I am also disturbed by the fact that this PU designation gives the Town of Springdale the opportunity to develop the property in a way that is incompatible with the parking, setbacks and design standards that the rest of the community are required to uphold." Mr. Pitti said he was fully expecting to vote 'no' however he appreciated the Commissioners discussion which encouraged him to vote 'yes'.

Bruno: Aye

Motion passed.

3. Public Hearing – Conditional Use Permit Modification: Request to increase the number of transient lodging units allowed by the zone for existing conditional use permits on parcels S-BIT-1 and S-BIT-2 (a net increase of one transient lodging unit) - Ryan Lee: Currently both lots had a CUP allowing transient lodging. The CUP for lot 1 had a limitation of eight (8) units. The CUP for lot 2 did not specify a limit on the number of units, but the underlying zone allowed nine (9) on each lot or a combined total of eighteen (18). Mr. Dansie explained the applicant intended to combine both lots into one and amend the CUP to develop a total of eighteen units (18) as allowed by the underlying zone. The net impact of this request was to increase the total number of lodging units by one.

Commission questions to staff: By allowing one more transient lodging unit Mr. Young felt the use was changing thereby making the action legislative in nature.

- Mr. Dansie explained the number of units was determined by the Village Commercial zone which allowed one transient lodging unit per 4,000 square feet. With this calculation, eighteen (18) units would be allowed if both lots were combined. Previously the Commission raised concern about

the amount of parking but the applicant had reconfigured parking creating an excess. With this change parking was no longer the limiting factor on development.

Mr. Pitti asked about the landscape requirement.

- The landscape component had not been fully analyzed since the DDR was postponed. At least 60% of the property had to be landscaped or left as natural open space. If the applicant could not comply with this standard, they would have to reduce the number of transient lodging units on the property.

Mr. Pitti asked if the swimming pool qualified as landscaping

- A pool deck area could count up to 10% of the landscape requirement if it met criteria in code.

Mr. Staker asked how many parking spaces were required for eighteen (18) units.

- Mr. Dansie indicated twenty-one (21) would be required but the plan currently showed thirty (30) spaces.

Public questions to staff: None were asked.

Ryan Lee was in attendance to answer questions. He said the landscape percentage was 67%, not including the pool. He was confident they were in compliance with the landscape requirement. Mr. Lee clarified he was not requesting more transient lodging units than what the underlying code allowed.

Commission questions to the applicant: None were asked.

Public questions to the applicant: None were asked.

Motion made by Tyler Young to enter public hearing. Seconded by Barbara Bruno.

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Public comment: No comments were made.

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

Staker: Aye

Young: Aye

Marriott: Aye

Pitti: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: Mr. Marriott said this was a straightforward request and did not have concerns. It appeared to meet all the general and specific standards.

- Mr. Staker echoed those comments and was in favor. Mr. Young and Ms. Bruno agreed the application met all the requirements. Mr. Pitti said the new plan was more cohesive.

Motion made by Barbara Bruno that the Planning Commission recommends approval of the Conditional Use Permit for a transient lodging facility at the combined property at 1214 and 1216 Zion Park Boulevard. Based on findings the project is in compliance with all requirements of the Village Commercial zone.

Motion amended by Joe Pitti to insert a condition that the Conditional Use Permit be approved upon the applicant submit proof of combining the properties.

Barbara Bruno accepted the amendment.
The full motion as amended seconded by Allan Staker.
Staker: Aye
Young: Aye
Marriott: Aye
Pitti: Aye
Bruno: Aye
Motion passed unanimously.

Consent Agenda:
Motion made by Tyler Young approve the consent agenda. Seconded by Barbara Bruno.
Staker: Aye
Elger: Aye
Marriott: Aye
Pitti: Aye
Bruno: Aye
Motion passed unanimously.

Motion to adjourn at 6:50pm made by Allan Staker. Seconded by Tyler Young.
Staker: Aye
Elger: Aye
Marriott: Aye
Pitti: Aye
Bruno: Aye
Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL:  DATE: 12-04-19

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.

