



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

**PLANNING COMMISSION NOTICE AND AGENDA**  
**THE SPRINGDALE PLANNING COMMISSION WILL HOLD A REGULAR MEETING**  
**ON WEDNESDAY, MAY 15, 2024, AT 5:00 PM**  
**AT THE CANYON COMMUNITY CENTER, 126 LION BLVD – SPRINGDALE, UT 84767**

*A live broadcast of this meeting will be available to the public for viewing/listening only.*

**\*\*Please see the stream information below\*\***

**Approval of the agenda**  
**General announcements**  
**Declaration of Conflicts of Interest**

**A. Action items**

1. Approval of a Mural: Rick Praetzel and Michele Van Hise request approval for a mural at Zion Adventures, 36 Lion Blvd. Staff contact: Niall Connolly.
2. **Public Hearing - Zone Change:** Request to apply the Transient Lodging Overlay (TLO) to parcel S-14-B-1 (approximately 933 Zion Park Boulevard, in the CC zone) to allow the development of four new transient lodging units on the property. Applicant: Laura Doty. Staff contact: Thomas Dansie.
3. **Public Hearing - Zone Change:** Request to apply the Transient Lodging Overlay (TLO) to parcel S-MMIS-1 (approximately 975 Zion Park Boulevard, in the CC zone) to allow the development of eight new transient lodging units on the property. Applicant: Matt Rayner. Staff contact: Thomas Dansie.
4. **Public Hearing - Ordinance Revision:** Changes to several sections of Title 10 of the Town Code (the Land Use Ordinance) revising the regulations and requirements for Accessory Dwelling Units (ADUs), including allowing external ADUs in the FR zone, as well as revisions to the regulations for guesthouses. Staff contact: Thomas Dansie.

**B. Consent Agenda**

1. Approval of Minutes from March 20<sup>th</sup> and April 3<sup>rd</sup>, 2024.

**C. Adjourn**

**\*To access the live stream for this public meeting,  
please visit or click the link below:**

**<https://www.youtube.com/@SpringdaleTownPublicMeetings>**

APPROVED

DATE

5/15/24

This agenda was posted at the Springdale Town Hall at 12:30 am pm by on 05/10/2024

**NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Aren Emerson (435.772.3434) at least 48 hours before the meeting.**

*Packet materials for this meeting will be available at:*

**<https://www.springdaletown.com/agendacenter/planning-commission-7>**



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON  
WEDNESDAY, MAY 15, 2024, AT 5:00 PM  
AT THE CANYON COMMUNITY CENTER,  
126' LION BOULEVARD, SPRINGDALE, UT 84767**

**The meeting convened at 05:00 PM.**

**MEMBERS PRESENT:** Chair Tom Kenaston, Terry Kruschke, Pam Inghram, Noel Benson, Rich Swanson, Jennifer McCulloch, and Jonathan Shafer from Zion National Park

**MEMBERS EXCUSED:** Paul Zimmerman

**ALSO PRESENT:** Director of Community Development Tom Dansie, Principal Planner Niall Connolly, and Deputy Town Clerk Robin Romero, recording. See the attached sheet for attendees.

Mr. Kenaston designated Mrs. McCulloch as a voting member in the absence of Mr. Zimmerman.

**Approval of the Agenda:**

**Motion made by Terry Kruschke to approve the agenda. The motion was seconded by Noel Benson.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

**General Announcements:**

Mr. Dansie announced that on May 30th, there will be a Meals on Heals event. The event was similar to the Two Cent events that had been held in the past. They were meeting at the future downtown plaza at 8 AM and walking through town to the River Park. Members of the community are invited to attend. It is an opportunity to ask questions and chat with members of the Community Development Department. There will be refreshments at the River Park.

On June 6<sup>th</sup>, from 9:30 PM to 11 PM, all lights on Lion Boulevard, Town Hall, Canyon Community Center, and parking lots will be turned off for a community blackout as part of the Dark Sky Preservation efforts. Telescopes will be at the ballfield for stargazing and star tours. Business owners and community members are invited to participate in the community blackout and turn off their outdoor lighting.

**Declaration of Conflicts of Interest:**

Mr. Kenaston disclosed that his wife and Jan Passek, who was a former neighbor, were on the Art Review Board for the mural approval item on the meeting agenda. The applicant, Rick Praetzel, was his neighbor, and they belonged to the same homeowners' association.

**A. Action items**

1. Approval of a Mural: Rick Praetzel and Michele Van Hise request approval for a mural at Zion Adventures, 36 Lion Blvd. Staff contact: Niall Connolly.

**Staff Presentation:**

Mr. Connolly stated that the mural was already in place, so it was a retrospective application. He explained that there was a two-step process for seeking approval for a mural. The application would go to the Art Review Board, which would make a recommendation. The next step was for the recommendation and application to be presented to the Planning Commission for approval or denial.

In this case, the Art Review Board recommended approval of the mural subject to two conditions:

1. The text on the mural should be removed as it could be deemed advertising for the business.
2. The mural's colors should be adjusted to comply with the Town's color palette.

The applicant expressed a willingness to remove the text but wished to retain the colors as they were, as they considered them integral to the design.

Mr. Connolly advised the Commissioners to focus on whether the mural complied with the general standards for a mural as set out in the town's Public Art and Art Review Board policy and whether the code provision that allows for the use of off-palette colors should be applied in this instance. The color criteria were set out in the Art Review Board policy and section 10-17-4-B of the Town Code.

He explained that the structure was essentially two separate buildings connected by a breezeway. The mural was located on the wall connecting the two parts of the building. For zoning purposes, it was all considered one building. From the staff review perspective, the conclusion was that it would be considered a wall of the building.

He noted that the applicant provided examples of pieces of art and signage around town that didn't appear to comply with the color palette. Mr. Connolly said he could briefly discuss them if the Planning Commission would like. However, he did recommend that they focus their deliberations on two key questions: whether the artwork complied with the standards for a mural and whether the code allowance for off-palette colors should be applied in this instance.

#### **Questions from the Commission:**

Mr. Benson asked if the Art Review Board reviewed the same code requirements as the Planning Commission or if items relating to percentage of coverage, gross square footage, etc., were only under the purview of the Planning Commission.

- Mr. Connolly explained that their main area of focus was on the art, as that was their level of expertise. However, as part of their review, the general standards for murals were brought to their attention.

Mrs. Inghram noted that section 10-17-4-B of the town code specifically stated that the Planning Commission could allow a variance from color for a new structure, building, or sign or for a remodel or renovation of an existing structure. She said they were very specific in differentiating between buildings, murals, and signs elsewhere in the code but conspicuously absent there. She questioned whether the code gave the Planning Commission any authority to approve a color variance for a mural.

- Mr. Connolly confirmed that it did not specifically call out a mural. He said that the word building could provide them that latitude. It was entirely up to the Planning Commission to determine whether the code allowed for the exception and if it should apply to the current item.

Mr. Damsie said it sounded like the Commission needed to discuss whether it was even a mural because of its ambiguous location and whether it was on a building wall or not. If it was determined to be painted on a building wall and thus a mural, section 10-17-4-B of the town code gave the Planning Commission the authority to approve colors not on the palette because it was on a building or a renovation to a structure.

Mrs. Inghram questioned how painting constituted a renovation.

- Mr. Damsie explained that painting a building was a change. He said the staff determined it was a mural because it was painted on a building wall. He said the section in the Town Code granted the Planning Commission the authority to grant an exception if it met the specified criteria for eligibility. If the Planning Commission disagreed, that should be part of the deliberation.

Mrs. Inghram asked if the Planning Commission determined they did not have the authority, would the Art Review Board recommendation move to the Town Council.

- Mr. Connolly explained that the Planning Commission could either approve, approve with conditions, or deny the request. Mr. Dansie added that the Planning Commission was the decision-making body and would not move beyond them. The applicant could appeal the decision if they wanted.

Mr. Swanson asked for clarification on why it was a wall and not a fence and, if it was a fence, how it changed the definition of the artwork.

- Mr. Connolly displayed the aerial photographs from the staff report and explained that the building was considered one structure from a zoning perspective. When the building was approved, the two buildings would not have been separated sufficiently from each other with the minimum separation distance. That connection/breezeway essentially made the two buildings as one. If it was considered a fence, the Art Review Board policy specifically referred to murals on building walls and did not provide for murals on fences. It just didn't describe them that way. If the Planning Commission decided the mural was on a building wall, it could potentially fit the criteria. It was more ambiguous if it was a fence because the Art Review Board policy did not say a mural could be on a fence.
- He explained that the code did not specifically say that a wall had to be attached to the roof. He did not think that the code was completely explicit on that point. It was up to the Planning Commission to use their best judgment about the most appropriate way to define if it was a wall or fence. He was not aware of any line of code that explicitly answered that question.

Mr. Benson inquired about the different categories of artwork and wondered if it had already been determined to be a mural. He asked what would happen if the Planning Commission thought it was something else.

- Mr. Connolly said there were three categories: Mural, Public Art, and Work of Art. In reading the definitions, Work of Art appeared to be the all-encompassing term as it included murals. Public Art was specifically publicly owned or funded. Mural could be a subset of either. He referred to section 10-17-4-C of the Town code and said his opinion was that it was a mural. He didn't know that it could be described as not being a mural because it was a mixture of colors on a structure or wall surface.

Mr. Dansie clarified that Work of Art and Mural were not mutually exclusive terms. Work of Art was a broad term that included murals, so it would actually be both.

### **Applicant Presentation:**

The applicant, Rick Praetzel, provided some background on the mural, as he felt a few details had been left out. He said it was a corrugated steel fence for the purposes of hiding what went on behind it, which was the cleaning area at Zion Adventure Company, which could be pretty chaotic and disarray at certain hours of the day. It would be like looking into the kitchen of a restaurant. They considered it a fence covering the breezeway. He wasn't arguing about what it was; that was physically its primary purpose. He explained that after a couple of hard years with the pandemic, Michelle, his 50/50 partner, and her daughter, MeiLi, hatched the idea last year. There was a flurry of activity between them, which he observed coming and going from the house to the business. Michelle sat down and read through the ordinance and concluded that nothing was preventing them from doing that, which was incorrect. The result was that they went with grinders and cleaned all the rust off the fence, put on a base coat, and painted the mural. The mural went up, but they had not gotten permission to do that. Subsequently, they found out they were supposed to ask first, so Michelle took on the process of working with the town and ultimately got a public meeting with the Art Review Board.

He said he was before the Planning Commission because the mural, which he was fine to call, was very much an expression of Michelle and MeiLi. MeiLi was born into the business and started working at 10 years old, so for him, it was hard to think about changing the colors. The Art Review Board approved it with two conditions: bring the colors into the color palette and remove the writing that referred to the business. That was never an issue. What they were asking was to keep the original colors because he thought it wouldn't be a work of art that belonged to Zion Adventure Company or was set forth toward the public from Zion Adventure Company if they changed the colors because then it was no longer Michelle and MeiLi.

He included the other photographs, not to complain about any other installations in town, but just to show that there were many pieces of art in town that were placed on what had a different primary utilitarian purpose other than art, such as power boxes along the road and piers on which lamp posts were held. They were convenient places to put art. Everything he had seen done with those, he thought everyone was proud of what was done and saw it as an act of good and virtue. The point he was trying to make was that he didn't think the other installations were hurting anyone, and he didn't think the off-palette colors were a detriment to anyone's life in the public domain. He hadn't heard any complaints, but he did have people ask to have their picture taken in front of the mural. He didn't want to be the one to paint over the mural. He couldn't speak for Michelle or MeiLi and what they would think if they were denied. He thought they would either have to paint it over or to find colors on the palette that could portray the same message. He said you could see the innocence and playfulness that MeiLi went with in her Southwestern outdoor scene. His goal was to ask if they could make that happen and approve the mural. He said whatever they decided, he would understand.

#### **Questions to the applicant from the Commission:**

Mr. Kenaston mentioned that one of the main comments he had received was that when the sun hit the mural, the colors became very vibrant, and the reflection could be startling to someone sensitive to bright lights and sounds. He wondered if there was any way to tone down the colors.

- Mr. Praetzel said he had heard that, but only that one instance. He acknowledged that it was bright and said that most of the day, it was tucked back under trees. If you were standing right in front of it, there wasn't any competition with cliffs and canyons. You were either looking at the Watchman or West Temple. If you were looking at the mural, none of that competed. As far as the glare, he didn't know, but an awning might make a difference at certain hours of the day, probably in the afternoon when there was more direct light. That hadn't been discussed. That was the only instance he heard of people thinking it was too much. He said, for him, it was an Indian Paintbrush. It was so bright and hard to look at. It was almost supernatural looking at Indian Paintbrush up close. He could understand that some people might react to the brightness of the mural. He said they did not have a backup plan to mitigate that specific question.

Mr. Benson asked if a mural was on the other side of the fence.

- Mr. Praetzel said there was on the door. The gate opened in the afternoon. Many times, it was obstructed by racks of clean drysuits, dry bibs, and tent flies draped over drying racks, so the gate came open. Michelle and MeiLi painted the back of the gate so it still looked like part of the mural when it was open. The rest of it was rust-brown on the backside.

Mr. Benson inquired what was written on the mural and asked if the equipment return was inside the breezeway.

- Mr. Praetzel said it was a Wile E. Coyote-type figure, but he didn't know for sure what it said. He indicated that someone would step inside the fence, and there were two ways to get there. The door was open in the afternoon and evening. It was typically propped open from 3-4 PM until around 7 PM.

#### **Commission Deliberation:**

Mr. Swanson commented that he was unsure if it was truly a mural. He expressed concern about setting a precedent since it was on a freestanding fence in front of the breezeway.

Mr. Kruschke said he was also unsure what to call it but wanted to clarify that there were other situations where something looked like a fence but functioned like a wall.

Mr. Benson shared a similar thought, suggesting that if it were a concrete block wall that was plastered over, it would be more substantial and might be considered part of the structure. As it stood, it seemed separate from the wall.

Mr. Kruschke asked if the town would still consider it one building even if the fence/wall were completely removed.

- Mr. Connolly confirmed it was one building because of the joint roof. Without the joint roof, it would be considered two separate buildings and would not meet the separation distance.

Mr. Kenaston said his interpretation of a mural was that it was affixed to an exterior wall. He only recently realized that the wall was not an actual wall of the building but appeared to be so. He suggested that, for that reason, they could extend the definition and say it was a mural on a commercial building governed by the ordinance for murals.

Mr. Swanson expressed concern that such a determination could become subjective.

Mrs. Inghram added that if they read the definition of a mural and were shown a piece of art, they would likely agree it was a mural. However, the definition also implied that tiling on a retaining wall could be a mural. She thought they needed to refine the definition of a mural to prevent ambiguity, as they were clearly having issues with it.

Mr. Swanson said when he looked at it, it appeared to be on a fence. His first question was whether being on a fence made a difference and whether it needed to adhere to the color palette. He found calling it a mural subjective and thought it should be held to the standards of a fence, though he was unsure what those standards were.

Mrs. Inghram agreed it was a fence but also considered it a mural on a fence. She thought the only reason they were unsure about it being a mural was because the definition specified that a mural had to be on a wall. If the artwork were on a brick fence at the setback of a property, it would still be a mural, and the town would have some jurisdiction over the colors on the fence/wall.

Mr. Swanson questioned if they did have control over that.

- Mr. Connolly said there were design standards for fences, including materials and colors.

Mr. Benson said he didn't think anyone was denying it was a fence. He thought the struggle was with the requirement that a mural could only cover 75% of the fence/wall. This mural covered 100% of the fence, and they had to decide if the rest of the structure facing the street was considered part of the fence. He struggled with that aspect. It was a fence connecting two structures/walls.

Mr. Swanson said if it was a fence, the colors were not acceptable.

Mr. Kenaston asked what the response from the town would be if someone painted their fence outside of the color palette whether there would be an enforcement action and what that would entail.

- Mr. Connolly said if someone wanted to paint their fence in a color not on the palette, they could apply for approval of an off-palette color and see if the Planning Commission approved it. This situation was different because it involved a mix of colors to create a mural. The Town Code stipulated that a mix of colors on a structure or wall surface to create a mural or similar artistic display was not the same as someone painting their fence a non-palette color.

Mr. Kenaston said he relied on the Art Review Board's review, which found that the colors were out of compliance and noted signage in the display. They made recommendations for both of those items.

Mrs. McCulloch supported the Art Review Board's recommendation and saw it as a mural on a wall. She emphasized that the policy aimed to allow and encourage publicly displayed art and believed that accepting the paint colors aligned with the General Plan's aim to promote art in the community, adding to the town's charm and village character. She thought that not allowing the colors and asking for a change would diminish the community's desire for creative expression, which she believed fit with other types of artwork in the town and enhance its charm. She also noted that the mural was not obstructing any views and was fairly tucked away.

Mr. Kenaston suggested a canopy to help those sensitive to bright colors.

Mr. Swanson said he thought it was a work of art and not a mural.

Mr. Benson did not find the mural tucked away. It was very noticeable, and clearly, it was a fence, not part of the building. He wanted to keep the mural and advertising but struggled with the ordinance and finding a way to vote for approval.

Mr. Kruschke said that if it was a fence, they seemed to have more flexibility. He believed that, according to the ordinance, a fence was not a mural, and there were no specific requirements for art on a fence that would prevent them from approving it as art on a fence rather than as a mural on a building wall. He didn't think they were restricted from approving it as art on a fence.

Mr. Connolly referred back to code 10-17-4-C. He thought that, by that definition, a mural could be on a fence. He acknowledged that the difficulty lay in the Art Review Board Policy, which discussed the mural being on an exterior building wall and defined whether it met that criterion or not.

Mr. Dansie reiterated that the mix of colors on a structure, including a fence, was only allowed as a work of art in accordance with the town's standards for works of art after review by the Art Review Board. He emphasized that calling it a fence did not provide any more latitude than calling it a building wall or a mural. The only way to mix colors to create a mural or artistic display on a structure, including on a fence, was through that process.

Mr. Kruschke stated that, by that logic, the 75% allowable coverage rule would apply to a fence.

- Mr. Dansie confirmed that the interpretation was correct.

Mr. Kenaston asked if the Commissioners wanted to review the mural again or postpone the decision to a later date.

Mr. Dansie recommended that they consider postponing the decision only if they intended to amend the ordinance to accommodate the mural. He noted that several members had expressed not having an issue with the mural itself but rather with the current ordinance. If they supported the mural but felt it could not be approved under the existing ordinance and wished to change it to allow it, that would be a legitimate reason to continue the discussion later.

**Motion made by Noel Benson that the Planning Commission table the proposed mural at Zion Adventures, 36 Lion Blvd as discussed in the Planning Commission meeting on May 15, 2024. The motion is based on the following findings:**

1. **There was potential consensus of the Planning Commission that believes the ordinance does not follow the General Plan fully and would like to work on that in order to potentially allow murals of this type.**

**Seconded by Pam Inghram**

**Discussion of the motion:**

**Mr. Kruschke proposed amending the motion to allow the mural to remain without penalty while the Planning Commission deliberates the ordinance and returns for a future meeting.**

**Mr. Benson accepted the proposed amendment.**

Mrs. McCulloch said she was in favor of further discussions about the ordinance but was on the side of approving the mural under the current ordinance.

**McCulloch: No**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed 4:1.**

Before reviewing the Transient Lodging Overlay (TLO) Zone applications, Mr. Dansie explained that applications for the TLO were accepted from March 1st to March 31st of even-numbered years. He clarified that while the town accepted all applications, it could only approve three per cycle. In the latest application window, the town received only two applications, making both eligible for approval. However, approval was not mandatory. Unlike administrative actions, which require approval if all requirements are met, legislative actions like this allow for broad discretion in approving or denying applications. Decisions should be based on the goals and objectives of the General Plan.

The TLO Zone application includes several baseline criteria that must be met for consideration. The Planning Commission must determine if those criteria were met and if the applications aligned with the General Plan's goals and objectives. Procedurally, all applications should be reviewed together in the same meeting, and no decisions should be made until all applications are presented.

Mrs. Inghram inquired about the time constraints for starting and completing construction.

- Mr. Dansie referred to Town Code 10-13-F-5(f), which explained that if the Transient Lodging Overlay Zone were approved, the property owner shall have eighteen months from the date of the Town Council's approval to begin development of the proposed transient lodging facility. After that, the property owner/applicant shall have two years after development begins to complete the project and have a Certificate of Occupancy issued. If those timelines were not met, the Transient Lodging Overlay Zone approval would be rescinded, and the property would revert back to the underlying zone with no Transient Lodging Overlay Zone.

Mr. Dansie reminded the Commission that the TLO Zone mandated the development of long-term residential units alongside new transient lodging units. Those long-term residential units must be deed-restricted to remain as such for as long as the transient lodging operates. If approved, the applicant must record a restrictive covenant on the property as part of the process.

2. Public Hearing - Zone Change: Request to apply the Transient Lodging Overlay (TLO) to parcel S-14-B-1 (approximately 933 Zion Park Boulevard, in the CC Zone) to allow the development of four new transient lodging units on the property. Applicant: Laura Doty. Staff contact: Thomas Dansie.

#### **Staff Presentation:**

Mr. Dansie explained that the property was currently developed with the retail business Canyon Offerings and a single-family residence. The proposal was to develop a new two-story structure on the rear half of the property, which would house four transient lodging units and one long-term residential rental unit. The four transient lodging units would be contained in three individual rental units: two one-bedroom and one two-bedroom unit. The town counts each bedroom as a transient lodging unit. Additional parking would be provided on the property to support the transient lodging. The staff report provided details about the proposed development.

Mr. Dansie expressed that the Planning Commission would not be reviewing the proposed development in the same detail as they would a Design Development Review (DDR). They needed to evaluate if it was feasible and possible to develop the proposed lodging and determine if the development style was consistent with the town's village character and atmosphere. They were not performing a complete compliance review.

#### **Questions from the Commission:**

Mr. Benson said if the overlay was an administrative decision and the DDR would be an administrative decision, he wondered how closely the DDR language needed to match what was being submitted. He questioned if approved, how much latitude they had to require changes to the DDR.

- Mr. Dansie said what was submitted was a concept plan. There would likely be changes from what was being presented. They could require the development's general style, theme, and layout to remain the same.



Mr. Benson asked what the tallest building on the property was currently.

- Mr. Dansie said he believed the Canyon Offerings building was a single-story and the residence behind it was two-story.

**Questions from the Public:** No questions from the public.

**Applicant Presentation:**

Laura Doty, the applicant, said the application process and questions were very detailed, and she felt like she answered to the best of her ability so they would get a vision of what she was proposing for her property. Since she didn't know some of the Commissioners, she explained that she had been in Springdale for over thirty years. She referred to a picture of the property when she and her husband moved to Springdale and took possession of the building. She noted they were not in the center of town. She said there were bark chips in the front yard. There were dismal plants and a barbwire fence that separated them from the bank. There were tumbleweeds between that barbwire fence. There was not a sidewalk that connected them to the Bumbleberry. They made a minimal amount of money, and it took years for that to turn around and become a viable business in reality. It had been a project of hers, and she loved it. She was rewarded by the fact that she had customers who appreciated the products they sold. They provided diversity and tried to do handicrafts, which added a really nice amenity to the town. The vacation renters who stayed in Springdale supported the business. The residents didn't, and she wanted to make that point known to the Commission.

They slowly improved their property, and she thought they had done a nice job of improving the look of the garden, the back area, and the house. In 2018, she started the process of applying for transient lodging. She said that was before the Bruhaha with the TLO Zone and with the buildout and larger developments. There were things that had happened that prevented her from moving forward. One of which was COVID and there were some other issues so she was delayed and then prevented from developing the property and moving forward.

She felt really fortunate to own a piece of property in one of the most special and spectacular places on the Earth and took pride in having made improvements to her property over the years to make it more attractive and appealing. It was her goal to create and complete a buildout on her property that would be in keeping with her existing buildings and support Springdale's desire to maintain the town's unique character and village atmosphere while adding another residential house to the town's inventory. She asked to please be assured that it was a personal project for her and that it was her desire to create something she was proud of with the end result of providing a memorable experience and environment for both the visitors and the residents who would be utilizing the property. She said she was a small business and not a big developer.

**Questions from the Commission:**

Mr. Benson asked if she was comfortable with the locations of the buildings she had on the application.

- Ms. Doty said they might be tweaked a little bit, and she might have to downsize a little bit. She said the layout could change, but the back would not change. There was a utility or powerline that went through it, so on the backside, the setback was going to exist.

Mr. Kruschke said the application mentioned a private fenced yard area for the long-term rental unit and asked if she had a concept of where it would be on the drawing.

- Ms. Doty said it would be in the southwest corner. She pointed out that there was a utility room/storage, and she wanted it to be on the upper side. They were going to move it so there would be privacy for the long-term renter.

Mr. Kruschke asked if that would be fenced and allow access to the long-term rental unit exclusively.

- Ms. Doty said it would and that it was important to her. She explained said she had lived in Central Commercial and had horses next door to her for a long time, and then the pasture was developed. She had a courtyard downstairs with complete privacy and views, and it was really nice. She said it was important for a long-term resident and guests to have a similar experience. She wanted them to really enjoy the canyon. There were powerlines that were really ugly, but she couldn't mitigate or get rid of

them. She wanted to create an outdoor experience for the visitors as well that they would enjoy and want to come back.

**Motion made by Noel Benson to open the Public Hearing. Seconded by Terry Kruschke.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

**Public Comment:** No comments were made.

**Motion made by Terry Kruschke to close the Public Hearing. Seconded by Noel Benson.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

The Planning Commission moved on to hear the second application before deliberating on both applications together.

3. **Public Hearing - Zone Change:** Request to apply the Transient Lodging Overlay (TLO) to parcel S-MMIS-1 (approximately 975 Zion Park Boulevard, in the CC Zone) to allow the development of eight new transient lodging units on the property. Applicant: Matt Rayner. Staff contact: Thomas Dansie.

**Staff Presentation:**

Mr. Dansie explained that there was an existing restaurant, Mimi's Café, on the property, as well as a secondary restaurant space that was vacant. There were six existing transient lodging units on the property that were housed in three townhome units. The applicant's proposal was to demolish the vacant restaurant building and build a new two-story structure with eight transient lodging units and two long-term residential rental units. The grassy area adjacent to Mimi's Café would be removed and converted to additional parking to support the transient lodging use. Six transient lodging units were on the property, and with the addition of eight more units, fourteen transient lodging units would be on the property, which was less than the density standard allowed.

**Questions from the Commission:**

Mrs. Inghram asked if each unit would have two bedrooms.

- Mr. Dansie confirmed with the applicant that they would.

Mrs. Inghram said that the calculation for the allowed density for the parcel was twenty, with eight under the new definition and six under the old definition. Long-term housing was not calculated using the transient lodging density calculation. She asked if there were excluded pieces of the parcel in the calculation of the twenty.

- Mr. Dansie said that anything approved under the old definition of transient lodging was a legal, non-conforming use. The ordinance allowed for one transient lodging unit per 2,500 square feet of property area. The calculation didn't differentiate between what was approved previously.

Mr. Benson asked how many transient lodging units were on the property by the current definition and what type of approval they were given.

- Mr. Dansie said that it would be twelve units. At the time they were constructed, transient lodging was a permitted use in the Central Commercial Zone, and the only approvals required were a Design Development Review and a business license.

Mr. Benson questioned if those structures could be rebuilt.

- Mr. Dansie said they could potentially, but they would be subject to the new ordinances and required to have a new approval.

Mr. Benson asked about landscaping requirements.

- Mr. Dansie said the landscape requirements for the property had not changed. The property was 1.18 acres, so 35% of it would need landscaping.

**Questions from the Public:** No questions from the public.

### **Applicant Presentation:**

Mr. Matt Rayner, the applicant, provided a history of the property. He said they purchased the property around 20 years ago. In 2005, they had a hotel approved, and then 2007 happened, and they only got the first two buildings built, which was the Mimi's building, which used to be a gallery and a bookstore, and the other was the restaurant Flying Monkey. After 2007, when lending started changing around a bit, they decided to build 18 townhomes at the back of the property. All of the townhomes at the very back were built and sold off. They kept the front part and built the six to rent out for themselves.

He said it had been a long process; twenty years was their whole life, their whole family's life. He was interested in going forward with the development. He wanted to do it in 2018 and had talked to Mr. Dansie about it, who said there were no ordinances against it. He got a little way down planning, and then COVID happened, and then all of the ordinances changed. He said it was kind of the same with Ms. Doty. He said they talked about it. She was his neighbor. He said he maybe encouraged her. They talked about it quite a bit and what they were building. He thought it would be great. He said he wanted to point out the six townhomes they already had and said their guests loved them. They loved the location and loved everything about them. He noted that if they looked online, their ratings were 4.98 out of 5. Everyone loved being able to walk everywhere and being close to the market. They raved about it. They wanted to build some more.

Mr. Rayner went on to say that as far as the Flying Monkey, they had tenants in there, and honestly, while he was still working in California, driving back and forth to his teaching job, it was probably the biggest stress of his life having that tenant. He said he could not tell them how much he thought about that when he shouldn't have been thinking about it. He no longer had any tenants there.

He said the parking lot to service the new transient lodging units was a separate application that they had already started. They did that for the restaurant. They wanted to have parking so they could see it. It was invisible in the back and a lot of their parking was used by Sol Foods.

### **Questions from the Commission:**

Mrs. Inghram asked what direction each elevation faced.

- Mr. Rayner explained that the "Entry" elevation, if standing in the parking lot looking towards Mimi's and the Flying Monkey building, there was a pergola, and that's where the pergola would be. You would be looking North at that point. There would be a public space for the guest balcony where anyone who was staying there could check out the sunset, which was another thing that guests talked about being able to watch the sunset on the balcony. The "South Side" elevation was as if you were standing at Sol Foods and looking at the building. That was the front of the building. There were balconies, and two of the units had their own private balcony. The balconies on the left side were for the transient lodging units. The "West Side Entry" elevation was as if you were standing at Mimi's looking South. That would be the long-term rental units. The "North Side" elevation was the back of the building that faced Ms. Doty's property.

- He said the building currently had a basement. He wanted to keep the footprint pretty much intact. It was intact, but some of the new ordinances caused some expansion, so it was slightly larger. One of the patios would be taken up with the building. He did want to keep the basement, and the stairs going down to the basement would be where they would have laundry facilities and things like that.

Mr. Kruschke asked if the stairs were on the outside of the building.

- Mr. Rayner confirmed they were and said there would be an interior stairway, too, as well as an exterior stairway on the outside in the balcony area.

Mr. Kruschke asked if the only basement access was from the outside.

- Mr. Rayner said it was. He said it was just storage and laundry. It wouldn't be used by guests or anybody.

Mr. Kruschke asked if he had considered moving the new building's location so that the parking lot would be behind it and less visible from SR-9.

- Mr. Rayner said they had not. They wanted to utilize the basement. That would increase the cost of construction by around \$800,000 or so.

Mr. Kruschke asked if the changes to the ordinance he talked about negated their ability to use the existing basement.

- Mr. Rayner said they did not.

Ms. Inghram asked if they had considered creating two buildings instead of one and still retaining the basement during the design process.

- Mr. Rayner said they had not considered that.

Ms. Inghram said one of the things she thought the people staying in the townhouses appreciated was they were in a smaller, separate structure. Where this was a ten-unit structure and much larger, it presented itself with a potentially different feel.

- Mr. Rayner said it was something they could look at. It would make everything look different. He wanted to keep the footprint so not much changed, just the building changed. That was his idea with that.

Mrs. Trista Rayner, the applicant's wife, said it was a unique lot because it was long and deep, which is why they subdivided and built the townhomes in the back. She said what they were trying to do with the building position was to essentially face away from Ms. Doty's residence and face out towards what they considered the core commercial of downtown Springdale, which was Sol Foods, Oscar's, and Mimi's.

They were using the footprint of the old building, and they liked it there because visually, it wouldn't have a big impact from SR-9. If it were moved closer or if, for example, they put Mimi's as a two-story, it would have a much different look. She said she knew ten units (eight rentals and two long-term rentals) sounded like a lot in the building. She assured them that they were smaller units and she wouldn't think that the square footage was larger than one of the LaFave buildings, for example. She would like to make a comparison of how that would look visually, two-story, and footprint-wise.

She spoke about the parking lot and said the green grass was lovely. She knew people would like to keep it, and they would like to keep it, too. On the other hand, they were continuously harassed about watering, keeping it green, and having water features outside. They had come up with an idea when COVID hit; especially during COVID, people did not know where to park for their restaurant. They came up with an idea to use some of the grass area as parking and to beautify the whole property. It needed a facelift, and they thought doing the project would give them the opportunity to make something that the town could be really proud of.

She explained the reason they were not using the building as it was because it was aerated concrete blocks from Page, Arizona, so it was not reusable or conforming to drywall or studs. That hadn't been brought up, but she wanted them to know that they had considered trying to utilize the building as it was currently.

One thing the smaller units allowed them to do was to have smaller windows, so there would be less light pollution than they currently had.

She said they truly felt that, having run their vacation rentals since 2015, they had zero issues. They knew that having them occupied, and they did not expect to be sold out, would have much less of an impact versus having a restaurant or other type of business there as far as traffic and noise. They would not put a second restaurant there because of the other townhomes.

They had been in town since 2003. They owned a bed and breakfast. They bought the property in 2004. They were the ones who developed the Sorella Gallery downstairs at the Pizza Noodle. They had run Mimi's since 2012. They leased the restaurant building to Flying Monkey, so they were involved in all of their trials as well. They had a good feel of what would work in Springdale and that the second building being tucked behind was not conducive to a financially viable business, so they were not going to be leasing it out. It was highly doubtful that a business would succeed there. The Flying Monkey went out fairly quickly. They stayed open, but they were done before they finished.

They loved the opportunity to talk about the project and were open to suggestions. They wanted to do something on their property to bring more foot traffic downtown. They had really suffered with the paid parking on Zion Park Boulevard, and they could show them in their sales that it killed them. She said the biggest compliment they got was from the current customers who stayed in their townhomes and said they felt like they were locals and wanted to come back and spend a week. They had walked and shopped, and she thought they wanted to rejuvenate the downtown area to what it was meant to be, which was the core commercial of downtown.

Mr. Rayner said they developed the property, which was initially laid out based on what the hotel would be and the on-street parking. It was a grass area because it was supposed to be the check-in building there, which they never wound-up building. When they changed a lot of the parking restrictions on SR-9, sometimes people would come in and say they couldn't figure out how to park there. That was part of what they were going to do with the new parking area to benefit the restaurant. In regard to the landscaping, he said it was developed at the time when they had to have 50%. In Central Commercial, they were allowed to cover their lot with 50% hardscaping, which was totally different from the new ordinance. As it was, it was 50/50. Now, they were looking at 35% landscaping, but that was a totally different question.

Mr. Benson was curious about the percentages that governed their property. He said they were 25% and 35%.

- Mr. Rayner said he worked with the engineer, with the parking lot in mind, and they got it to 35%.

Mrs. Inghram said she recently attended a conference where there was a waterwise landscaping presentation. They specifically discussed how they were trying to encourage property owners to remove long rectangular and square pieces of lawns because they were hard to irrigate effectively. She wondered if they were planning on keeping some of the grass or having some mixture of waterwise.

- Mr. Rayner said he was not exactly sure. He was not finished with the landscape plan in detail. He wanted to keep the front grass because it was inviting, and people liked it. The strip would have some hedges, and he intended to do some rocks with hedges and remove the lawn so that a strip of grass couldn't be irrigated. They were only a little bit into the process, and those were conceptual. They hadn't gotten to the engineering phase, as all of it was in the preliminary phase. He said he had put it on the back burner in the last couple of years because of all the ordinances and the things that changed in 2024, and he hurried and did this, and this is what he was thinking.

Mrs. Inghram asked if the highest point of the roof of the proposed structure was the same as the height of the three townhomes.

- Mr. Rayner said it was the same. He thought it was twenty-six feet and thought the others were also. The property had quite a bit of slope. He thought that between the two restaurant buildings, there was a three- or four-foot slope difference. As you got farther down, there was even more. He didn't think you would notice the height disparity as much just because of the downhill. He also didn't want to have flat roofs. He liked having a firmer roofing material than membrane roofs. He wasn't a huge fan. By not

having a flat roof, it did increase the height a little bit, but they tried to make the pitch as little as possible and it could come down. Metal roofs could be 1:12 pitches.

**Motion made by Noel Benson to open the Public Hearing. Seconded by Terry Kruschke.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

**Public Comment:**

Mechelle Kelin, the daughter of the applicants, said she moved to Springdale in 2003 and that she was affectionately called Mimi. They named the restaurant after her. They opened in 2012. She wanted to comment on a couple of things. The parking lot was something they had talked about for years. She said Venice Clark, who just passed, was an everyday long-term local, one of the very few long-term locals that they had support from. As mentioned, they were supported by tourism. She could hardly get to their property because the parking lot, even the handicapped parking, was so far back from their building. They didn't have pickup parking, and they didn't have handicapped parking that was appropriate for someone who really did have constraints of physically moving around to get to their building. It was something they had discussed for a very long time, and it was something that just happened to coincide with each other.

She said every time they had discussed it had been with bushes and flowers; the point of beautification was not just an ugly piece of grass-fault but some access for people to use and to access their buildings but to beautify it and make it look nice. They were talking about doing a facelift on the property, beautifying the patio space, and making it look like an inviting space. She said she had just traveled to Europe, the trip of her life. One thing that was so incredible was being able to stay in an Air B&B with her family with a kitchen, refrigerator, and access to a little bit more space and not a hotel room, but also they had walkability.

They were very much downtown and one of the only properties that was Central Commercial. Being able to stay in those properties and walk to the grocery store, the restaurant, and the retail shops. It was something that, as her mother mentioned, really declined since the change of parking along SR-9. They had seen that impact in sales dramatically.

She was a 50% owner of Zuma with her father. Because the restaurant was tucked behind Mimi's, they saw very little foot traffic even during COVID when they had some boom business. That's how long it had been closed. They closed during that time frame. They couldn't staff. They couldn't get people through the door. It was a very difficult location for retail and restaurant space. She shared that from her personal experience they had a huge financial loss from running that business.

She said Mr. Rayner was a teacher for ten years, and her mom was on the visitor's bureau for seventeen years. It was a thankless job that no one else stepped up to do. They had been advocates for tourism the right way, and she wanted that to be acknowledged when the Commissioners discussed it.

**Motion made by Terry Kruschke to close the Public Hearing. Seconded by Pam Inghram.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

**Commission Deliberation:**

Mr. Shafer shared from the park's perspective, emphasizing the importance of having thoughtful conversations about appropriate use, recreation, and activities within the park. He noted the parallel between the park's mission to serve the National interest and the Planning Commission's goal to serve the town's interest. He praised the staff report for its thoroughness and the rubric provided, expressing hope that he could contribute to the conversation effectively. Mr. Shafer looked forward to the ongoing discussion and acknowledged that this was their first time going through this process.

Mr. Benson shared that he found the scorecards created by Mr. Dansie very helpful in evaluating the two applications, as they resulted in very different scores. He noted that one application involved a few units tucked away in the back, while the other involved demolishing a commercial building and maxing out the property's density. The latter had twelve units by the current definition and was requesting eight more, effectively reaching the density limit for Central Commercial. Mr. Benson felt there was a significant difference in the overall feel of the two applications.

Mr. Kruschke mentioned that he also had different scores for the two applications, but not necessarily for the same reasons as previously stated. He acknowledged a significant difference between the two applications and seemed to share a similar sentiment regarding their distinctiveness.

Mrs. Inghram agreed and highlighted that the detail and design of the first application showed a significant effort to comply with the parkitecture style, featuring a lot of dimensionality in the design. She felt that using the back of the property for transient lodging in the Central Commercial Zone was very appropriate, as it wouldn't suit a retail establishment, restaurant, or outfitter. That seemed like a good use of the property, leading her to score the first application higher.

Regarding the second application, Mrs. Inghram noted that the location tucked behind and away from the street wouldn't be ideal for a restaurant or most retail applications. While she saw transient lodging as a potentially good use for the property, she felt that the design, which aimed to use the existing footprint, did not align with the village character and parkitecture they were striving for. The design appeared starker, more sterile, larger, and taller than the first application, and that aspect concerned her more than the intention to add more transient lodging.

Mr. Kenaston reflected on the town's implementation of the transient lodging overlay a few years ago, which addressed concerns about the rapid development of transient lodging. He noted how homes and long-term housing were being converted into transient lodging and how certain commercial spaces were repurposed for transient lodging.

When he evaluated the two applications, he observed that Ms. Doty's application retained a successful gift shop and long-term residence while adding four transient lodging units and a long-term housing unit.

The second application proposed maintaining Mimi's while converting a commercial space that could be used as a restaurant and reducing the green space in the front, which contributed to the neighborhood's feel. He acknowledged Mr. Rayner's difficulties in making the restaurant successful and expressed sympathy for his situation. He noted that while there were two restaurants, Mr. Rayner implied that there would never be a second restaurant in that location again. He was conflicted because he recognized the value of keeping the green space and the potential of the commercial space. He considered the broader implications of losing commercial opportunities in favor of transient lodging.

Mr. Kruschke shared that placing transient lodging on the second application site could be acceptable based on his initial instinct and the comments he was hearing. However, he felt that the current conceptual design and layout were less appealing and did not align well with the goals of the transient lodging ordinance and the General Plan. He thought that some changes to the design could better fit those guidelines.

He also expressed concern about the current parking arrangement. Specifically, the distance of the parking from the restaurant and the uphill walk required for handicapped parking were significant issues. He acknowledged the necessity of having parking closer to the restaurant. He believed that a more

village-like arrangement would be more suitable, as the large parking lot would detract from the village feel of the corner. He thought a different layout could make the area feel more integrated and aligned with the village orientation.

Mr. Benson mentioned that at 6,800 square feet, it was a very large building. Twelve transient lodging units were already on the property, and he expressed concern about the density.

Mrs. McCulloch appreciated the parking issue and noted it could be difficult for those in wheelchairs to get in and out of restaurants.

Mr. Swanson appreciated the comments on the parking. He recognized that even if they weren't going to have transient lodging, parking was a requirement and would boost business. He agreed that the building was very dense and looked like an apartment due to its design. He liked the idea of rearranging the layout but acknowledged the difficulty in justifying that due to the parking issue. He suggested that a design update or reduction in size would make the project more appealing.

Mr. Kruschke suggested that using vegetation or other elements could improve the appearance of the site. He noted that the parking lot could potentially be moved a few feet farther from SR-9 while still maintaining functionality. Regarding density, he acknowledged that the property was in the Central Commercial Zone, which was intended to be the densest area. While the proposal would max out the density for transient lodging, he didn't foresee a request for more units. He expressed that he was somewhat undecided about the proposal.

Mr. Kruschke stated that the first application was a good fit and was ready to make a motion.

**Motion made by Terry Kruschke that the Planning Commission recommends approval of the Transient Lodging Overlay Zone on parcel S-14-B-1 to allow the development of four new transient lodging units and one long-term residential unit on the property as presented in the applicant's submittal and reviewed at the Planning Commission meeting on May 15, 2024. This motion is based on the following findings:**

- 1. The Transient Lodging Overlay Zone change supports the vision of the transient lodging as established in the Springdale General Plan.**
- 2. The Transient Lodging Overlay Zone change will maintain Springdale's community atmosphere.**
- 3. The Transient Lodging Overlay Zone change supports the Economic Development Sub-Goal One of the Springdale General Plan.**
- 4. The Conceptual Development Plan has little impact on privacy, peace and quiet, and enjoyment of the surrounding properties and mitigates those impacts with greater than required open space behind the facility.**
- 5. The Conceptual Development Plan retains a diversity of commercial uses on the property.**

**This motion has the following conditions of approval:**

- 1. The applicant must record a restrictive covenant against the property as required by Section 10-13-F-12 of the Town Code.**
- 2. The Transient Lodging Overlay Zone change will not be finalized until the restrictive covenant has been recorded.**

**Second by Pam Inghram**

**Discussion of the motion:**

**Mr. Benson proposed amending the motion to include that the Transient Lodging Overlay Zone change promotes the General Plan Land Use and Town Appearance Sub-Goal A and Sub-Goal G.**

**Mr. Benson proposed amending the motion to add that the general location, look, style and size must be consistent with what was presented.**



Mr. Kruschke accepted both amendments.

McCulloch: Aye

Kruschke: Aye

Kenaston: Aye

Inghram: Aye

Benson: Aye

The motion passed unanimously.

#### **Commission Deliberation Continued:**

Mr. Benson mentioned that some of the conditions for approval of parcel S-MMIS-1 would involve fewer units, a reduction in building size, and several other changes. He expressed uncertainty about how to combine all those conditions. Concerns were raised about the loss of existing commercial space, overall density, layout, and size of the building.

Mr. Kruschke added that part of the General Plan aimed to mitigate empty buildings. Since the building had been empty for several years, approving something that would reduce the number of unused buildings aligned with the General Plan.

Mrs. Inghram asked if it was fair to say they were generally okay with the idea of adding transient lodging to the property but had issues with the conceptual design. That would mean they might have to deny the application but could encourage the applicant to explore other design elements. She inquired about the extent to which the Commission could dictate changes to the applicant.

- Mr. Dansie explained that the Commission could make a finding on whether the proposal promoted the village atmosphere. They needed to assess if the application met the criteria in the General Plan, promoted the village character, offered a unique and memorable lodging experience, and provided economic development that enhanced community character. These were the evaluation criteria on which they needed to base their decision. Additionally, the Town Code required the Planning Commission and Town Council to review the applications concurrently, with the Town Council hearing the applications in June.

Mr. Kenaston wondered if the applicant would have time to make modifications to their application before it went to the Town Council.

- Mr. Dansie responded that if the Commission felt the proposal was not a good fit, they should recommend denial based on the General Plan findings. However, if they saw potential, recommending approval with conditions might be more appropriate.

Mr. Kenaston thought the location was good for transient lodging. It was near the grocery store, walkable to restaurants and shops along SR-9, and close to the shuttle stop. While the location had many advantages for the Central Commercial Zone, the density and loss of commercial space tempered his enthusiasm.

Ms. Kelin approached the podium and explained that the building fit the blueprint of the current restaurant, including an overlap on part of the patio space, which was cemented. Otherwise, it was the same blueprint. That was based on the square footage, which was a requirement to keep the same footprint. It would just be a little bit taller, but the same height as the buildings that were currently there.

Mr. Kruschke asked for confirmation that the footprint included the presently outdoor patio.

- Ms. Kelin responded that there was a patio on both sides of the building, and the footprint would overlap on one of them. Those would be patios for the housing. She clarified that the side fence was the only thing that separated their building from Laura Doty's. They were the same exact distance away from SR-9. Theirs was a tinge closer, but they literally crossed the fence line there next to each other.

Mr. Shafer noted that since it was a zone change, any alterations to the property would likely have a long-lasting effect on the town, making it essential to be deliberate in their decision. He acknowledged that the applicant had made it clear that the space was not viable as a restaurant. From the park's perspective, any

development in town that tended towards creating more long-term rental space was something the park supported. Providing space for staff to be in town to deliver essential services like emergency medicine, structural fire response, wildland fire response, and law enforcement response was crucial, and the park would be inclined to support that.

He emphasized that the look and feel of the town were important considerations, as was the permanent change associated with the covenant on the property. That would dictate how the property would be used long into the future. Ensuring that the property could contribute to providing space for essential service providers was something he strongly encouraged the Commission to consider.

Mr. Swanson leaned towards making a motion to deny the proposal with findings rather than approving it with conditions, citing concerns about the number of conditions that would be necessary.

Mrs. Inghram agreed and expressed that while the use of transient lodging might be reasonable, she believed the execution of the idea fell short.

Mr. Kenaston was conflicted about denying the proposal but acknowledged the town's past scrutiny over transient lodging issues. He believed it was appropriate to evaluate the proposal carefully.

Mrs. McCulloch leaned toward approval with conditions, suggesting that the conditions could be anything as opposed to an outright denial. She said she saw a nicely designed building on the same footprint as an improvement to the building that was currently there.

Mrs. Inghram pointed out the challenge of coming up with specific conditions without being designers themselves and being able to conceptualize what would be better alternative solutions. She acknowledged and understood the applicant's desire to use the existing footprint but felt it didn't align with the desired village commercial aesthetic.

Mr. Kenaston suggested that denial with findings might be a cleaner approach rather than trying to impose specific conditions. They could formulate findings that aligned with their discussion, which the Town Council could review and potentially approve. That approach might allow the applicant to make modifications accordingly.

Mr. Kruschke noted that conditions were more restrictive, whereas findings provided a more open approach.

**Motion made by Terry Kruschke that the Planning Commission recommends denial of the Transient Lodging Overlay Zone to parcel S-MMIS-1 to allow the development of eight new transient lodging units, for a total of 14, and two long-term residential units on the property as presented in the applicant's submittal and reviewed at the Planning Commission meeting on May 15, 2024. This motion is based on the following findings:**

- 1. The density of transient lodging units is not in line with the goals of the General Plan.**
- 2. The single large building size does not meet the goals and objectives of the Transient Lodging Overlay and General Plan and does not encourage the village environment.**

**Second by Noel Benson**

**Discussion of the motion:**

Mr. Benson asked if the Commission was concerned about losing the commercial space.

Mr. Kruschke responded that he felt like the commercial space was already lost.

Mr. Swanson agreed.

Mrs. Inghram noted that the lot could possibly be reconfigured to accommodate another commercial space.

Mr. Benson said he didn't know that the space was already lost. He said he understood there had been some challenges but emphasized his concern about losing commercial space.

Mr. Kenaston expressed his concern about the loss of commercial space.

McCulloch: Aye

Kruschke: Aye

Kenaston: Aye

Inghram: Aye

Benson: Aye

The motion passed unanimously.

4. **Public Hearing - Ordinance Revision:** Changes to several sections of Title 10 of the Town Code (the Land Use Ordinance) revising the regulations and requirements for Accessory Dwelling Units (ADUs), including allowing external ADUs in the FR Zone, as well as revisions to the regulations for guesthouses. Staff contact: Thomas Dansie.

**Staff Presentation:**

Mr. Dansie reviewed the proposed changes outlined in the staff report. He encouraged the discussion to be about whether the proposal's merits promoted the goals and objectives of the General Plan.

**Questions from the Public:** No questions from the public.

Motion made by Terry Kruschke to open the Public Hearing. Seconded by Noel Benson.

McCulloch: Aye

Kruschke: Aye

Kenaston: Aye

Inghram: Aye

Benson: Aye

The motion passed unanimously.

**Public Comment:** No comments were made.

Motion made by Noel Benson to close the Public Hearing. Seconded by Terry Kruschke.

McCulloch: Aye

Kruschke: Aye

Kenaston: Aye

Inghram: Aye

Benson: Aye

The motion passed unanimously.

**Commission Deliberation:**

Mr. Swanson expressed his concerns that he could not support the current document regardless of his stance on allowing Accessory Dwelling Units (ADUs). He believed it required further refinement, particularly questioning the change from "guesthouse" to "guestroom," which he found confusing. He worried about the potential ambiguity—whether a space in his home was designated as a bedroom, guest room, or ADU. He raised issues regarding the addition of new terminology and suggested it unnecessarily complicated matters.

In response, Mr. Kruschke explained that the term "guestroom" arose from discussions aimed to clearly define what constituted an ADU. They aimed to establish distinct criteria for ADUs, specifying requirements such as a kitchen and bathroom to obtain a rental permit. The intention was to differentiate between structures that met ADU criteria and those that did not, particularly external buildings lacking full ADU amenities but still containing sleeping accommodations.

Mr. Swanson reiterated his confusion over the use of "guesthouse", emphasizing that the presence of complete cooking and bathroom facilities defined an ADU according to section 10-22-9-D(1). He felt the document unnecessarily complicated matters by introducing new terms and provisions that could potentially hinder enforcement and understanding.

Further discussion ensued regarding the implications of the ordinance, including limits on the number of ADUs per property and distinctions between ADUs and other types of residential structures. Mr. Benson and others argued that the detailed language was necessary to clarify where residential units could be established without inadvertently creating multiple ADUs, thereby adhering to zoning regulations and protecting community interests.

Mrs. McCulloch and Mrs. Inghram acknowledged the complexity of the issue and suggested further discussion in a work meeting to address concerns about the number of accessory buildings and related regulations.

Mr. Kenaston pointed out that a majority of town residents supported exploring more lenient ADU standards, reflecting positive experiences with existing ADUs and community housing needs.

Mr. Swanson said, for the record, he thought it was 50/50 that people wanted more ADUs in the Foothill Residential (FR) Zone.

Mr. Kenaston recalled that while not a decisive majority, approximately 57% of the community expressed support for exploring or potentially expanding ADU standards.

Mrs. Inghram noted, for the record, that the topic of ADUs had been raised multiple times before, often sparking controversy. On this occasion, they had received one letter of support and none against it, with no members of the public present at the meeting. She speculated that the lack of attendance might be due to residents feeling protected by their Homeowner Association (HOA), suggesting a shift in community sentiment compared to previous discussions on the matter.

Mr. Kenaston emphasized the positive town experience with ADUs, citing few issues and widespread recognition of their benefits. He mentioned the town's receptiveness to the expansion of ADUs and acknowledged that while HOAs could prohibit them, not all residents were covered by such protections.

Mr. Swanson expressed concern over using HOAs as a basis for decision-making, arguing it unfairly disadvantaged those without such protections. He emphasized that the specific purpose of the FR Zone was to allow open space, low density, low profiled, single-family dwellings. He felt what they were trying to do conflicted with the general goal of the FR Zone.

In response, Mr. Benson acknowledged the inherent conflicts within the General Plan regarding housing goals and zoning regulations. Mr. Kenaston reiterated the town's efforts to comply with state directives on housing while balancing residential quality of life and community character, recognizing the complexity of these issues.

**Motion made by Noel Benson that the Planning Commission recommends approval of the proposed ordinance amending the standards for Accessory Dwelling Units (ADUs) as discussed at the Planning Commission meeting on May 15, 2024. This motion is based on the following findings:**

- 1. The proposal promotes the general goal of the General Plan, specifically the Housing Sub-Goals A and B and, more specifically, Sub-Goal B.2.a.**

**Second by Terry Kruschke**

#### **Discussion of the motion:**

Mr. Kruschke suggested adding a finding or condition recommending that the Town Council look for ways to simplify the code.

Mrs. Inghram proposed including a finding to address the number of accessory buildings.

Mr. Benson noted that was a separate issue and could be addressed without involving the Town Council.

Mr. Kruschke agreed, saying the Commission could handle it.

Mrs. Inghram asked if they wanted to formalize that approach.

Mr. Benson suggested including a recommendation to simplify the language.

Mr. Swanson opposed, explaining that the current version was what they had developed and decided on. He felt they should pass it as it was rather than sending it to the Town Council unfinished.

Mr. Kenaston acknowledged the time spent on the document. He noted that while it might not be perfect, the Town Council would review it and make necessary changes if they disagreed with the language.

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

#### **B. Consent Agenda**

1. Approval of Minutes from March 20<sup>th</sup> and April 3<sup>rd</sup>, 2024.

**Motion made by Noel Benson to approve the Consent Agenda for the Minutes from March 20<sup>th</sup> and April 3<sup>rd</sup>, 2024. The motion was seconded by Jennifer McCulloch.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**

Mrs. Inghram noted she did not attend the March 20<sup>th</sup> meeting but watched the recording on YouTube.

#### **C. Adjourn**

**Motion made by Terry Kruschke to Adjourn at 08:01 p.m. The motion was seconded by Pam Inghram.**

**McCulloch: Aye**

**Kruschke: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Benson: Aye**

**The motion passed unanimously.**



APPROVAL: \_\_\_\_\_

*Terry Kruschke*

DATE: 7/17/24

  
Robin Romero, Deputy Town Clerk

A recording of the public meeting is available on the Town's YouTube Channel at [youtube.com/@SpringdaleTownPublicMeetings](https://youtube.com/@SpringdaleTownPublicMeetings). For more information, please call 435-772-3434 or email [springdale@springdale.utah.gov](mailto:springdale@springdale.utah.gov).



PO Box 187 118 Lion Blvd Springdale UT 84767

## ATTENDANCE RECORD

Please print your name below

Meeting Planning Commission Regular Mtg. Date 05/15/2024

### ATTENDEES:

LAURA DOTY  
Name (please print)

Jack Seegmiller  
Name (please print)

Trista Rayner  
Name (please print)

Matt Rayner  
Name (please print)

Michelle Holin  
Name (please print)

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Name (please print)

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I would like to offer some feedback on the agenda items below. Thank you for sharing.

Jonathan Zambella

2. **Public Hearing - Zone Change:** Request to apply the Transient Lodging Overlay (TLO) to parcel S-14-B-1 (approximately 933 Zion Park Boulevard, in the CC zone) to allow the development of four new transient lodging units on the property. Applicant: Laura Doty. Staff contact: Thomas Dansie.

I like what Laura is trying to do here and appreciate that the existing residential housing and retail building stay on the property. This integration of small TLUs makes sense if the density and DDR align. The building design is reasonable and will not detract from the adjacent view sheds. This is the type of project the town could benefit from.

3. **Public Hearing - Zone Change:** Request to apply the Transient Lodging Overlay (TLO) to parcel S-MMIS-1 (approximately 975 Zion Park Boulevard, in the CC zone) to allow the development of eight new transient lodging units on the property. Applicant: Matt Rayner. Staff contact: Thomas Dansie.

Canyon Vista's current TLUs have minimal impact on the neighboring properties and are quiet and well kept.

I have two contentions with this application:

- 1) What appears to be the only viable green-space on the property will turn into a parking lot and push the parking toward the street, which seems counter to the town general plan to have parking behind buildings or obscured. The addition of two long term rentals does not seem enough of a benefit even if they were deeded as only EMPLOYEE housing to offset the significant impact of turning the only green space in the central commercial zone into a parking lot.
- 2) The town is trying to differentiate development from just TLUs, and in this application, a perfectly habitable restaurant space, although abandoned, would be converted into lodging. This also seems counter to the goals and objectives of the general plan. There is plenty of financial opportunity to keep and better utilize the former Flying Monkey restaurant space.

4. **Public Hearing - Ordinance Revision:** Changes to several sections of Title 10 of the Town Code (the Land Use Ordinance) revising the regulations and requirements for Accessory Dwelling Units (ADUs).

including allowing external ADUs in the FR zone, as well as revisions to the regulations for guesthouses.  
Staff contact: Thomas

As a property owner, I am full support of external ADUs being allowed in all zones. I am suspicious of the jump from 1500 to 2500 sq ft, which seems inordinate. 2500 sq ft is enough space to build a 4 bedroom home. This would easily qualify many as primary home sizes and if future applicants can afford the size, many will and essentially double the number of houses on lots. This may not happen, but looking at trends in Springdale, it is likely. Then we are back pedaling again on another ordinance change like we had to do on the Cottage overlay Zone and the many iterations of the TLO Zone. Is there anyway to just keep it at 1500 sq ft?

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“10-22-9-D.5 It must be visually apparent that the lot where the ADU is located is developed as a single family residence with an accessory dwelling, and not as two separate single family residences.”

And

“10-22-9-E-2.b The structure containing the ADU shall be limited in area to the greater of: 1) 50% of the building area of the primary dwelling on the property up to a maximum of 2,500 square feet, or 2) 1,000 square feet.”

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Can we have verbiage combining D.5 and E.2.b such that “the accessory dwelling unit must be no more than 50% the size of the EXISTING single family residence or 1500 sq ft max, whichever is lesser.”