



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, AUGUST 21, 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. **Public Hearing:** Design Development Review: Upgrades to the hotel at 792 Zion Park Blvd, including new outdoor lighting, trellis, and elevation upgrades. Applicant: Dan VanZeben. Staff contact: Niall Connolly.
2. **Public Hearing:** Development Agreement: Review and possible approval of a Development Agreement between the Town of Springdale and Bean, Cotting, Munson, LLC, memorializing the terms of a zone change to the Workforce Housing Overlay Zone on parcel number S-161-8. Applicant: Andy Green. Staff contact: Thomas Dansie.
3. Discussion and possible recommendation to the Town Council regarding changes to the Town's Policy for Public Art, revising the Town's standards for murals. Staff contact: Thomas Dansie.

**B. Discussion / Non-Action Items**

1. Discussion of Draft Wireless Communications Master Plan and potential revisions to Section 10-27 of the Town Code. Staff contact: Niall Connolly.

**C. Consent Agenda**

1. Approval of Minutes from June 5<sup>th</sup>, June 19<sup>th</sup>, July 3<sup>rd</sup>, and July 17<sup>th</sup>, 2024.

**D. Adjourn**

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

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

APPROVED

*Tom Kemnitz*

DATE

*8/21/24*

This agenda was posted at the Springdale Town Hall at

*10:30* am

pm by

*A. Emerson*

on

*8/16/2024*

**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, AUGUST 21, 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, Pam Inghram, Terry Kruschke, Paul Zimmerman, Rich Swanson, Mellisa LaBorde, and Erin Dempsey from Zion National Park

**MEMBERS EXCUSED:** Jennifer McCulloch

**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.

**Approval of the Agenda:**

**Motion made by Pam Inghram to approve the agenda. The motion was seconded by Paul Zimmerman.**

**Kenaston: Aye**

**Inghram: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**General Announcements:**

Mr. Kenaston acknowledged that this was Mellisa LaBorde's first meeting as a Planning Commission alternate and welcomed her.

Mr. Dansie announced that Dr. Courtney Flint, the lead researcher of the Utah State University Community Wellbeing Survey, will present the survey results at the Canyon Community Center on August 22, 2024, at 3 p.m. The Town of Springdale, along with 42 other communities in the state, participated in the survey earlier in the year. Dr. Flint will attend to present the findings and possibly offer some interpretation.

**Declaration of Conflicts of Interest:** No conflicts of interest were disclosed.

**A. Action items**

1. **Public Hearing: Design Development Review: Upgrades to the hotel at 792 Zion Park Blvd, including new outdoor lighting, trellis, and elevation upgrades. Applicant: Dan VanZeben. Staff contact: Niall Connolly.**

**Staff Presentation:**

Mr. Connolly explained that the hotel was undergoing a remodel due to a rebranding from a La Quinta to a Marriott Tribute. The proposed improvements included updating the lighting to comply with the town's outdoor lighting ordinance, extending the existing arbor in front of the restaurant building, modifying some

external finishes at the port cochère and lobby restaurant building, adding new railings and gates, enhancing landscaping, and installing new fire pit and pet waste stations.

He also noted that the property was governed by a development agreement, which set specific zoning regulations for the parcel. That agreement allowed a patio roof to extend within three feet of the SR-9 right of way, which was relevant to the proposal. The parcel was tied to the 2015 Town Code, under which the development agreement was established, meaning the current, stricter outdoor lighting ordinance did not apply. However, the developer voluntarily proposed updating the outdoor lighting to meet the current standards.

The Commission was asked to review the proposal to ensure it complied with the applicable ordinances.

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

Ms. Inghram noted that the development agreement had been amended a few years ago and asked which code year applied to the amendment.

- Mr. Connolly clarified that the amendment only changed the specific parts mentioned in the amendment, and all other aspects of the 2015 code remained in effect.
- Mr. Dansie further explained that the development agreement included a clause stating that properties governed by the agreement were bound by the 2015 ordinance. The recent amendment did not alter that clause; it only made specific changes to a few properties covered by the agreement. Overall, the original agreement still stood, including the clause, except as outlined in the agreement, the 2015 ordinance governed the properties.

Ms. Inghram suggested that the Commission keep that in mind when reviewing development agreements in the future.

Mr. Dansie added that in 2021, the Town revised the outdoor lighting ordinance to include an amortization period. That revision required all properties to meet the newly amended outdoor lighting codes within seven years by 2028, regardless of their current compliance status. Even though the 2015 ordinances governed the property, the amortization clause in the 2021 lighting ordinance would apply, as it governed all non-conforming lighting, regardless of how it became non-conforming.

Mr. Kruschke asked if the proposed lighting changes would bring the property into closer compliance or full compliance.

- Mr. Connolly responded that the fixtures being changed would comply with the two-inch shade, color temperature, and lumen count requirements. However, some existing sconces were not being changed, and he wasn't sure if they currently met the compliance standards.

Mr. Kruschke then referred to Section 5: Development and Operation, which stated that the Ferber parties agreed to complete the construction of two out of the five total duplexes before applying for any permits. He asked if those two duplexes had been completed.

- Mr. Connolly confirmed that they had.

Mr. Kruschke also referred to Section 5, which mentioned the Ferber parties' commitment to constructing all employee housing units, and inquired if these had been constructed or if construction had started.

- Mr. Connolly replied that not all units had been constructed yet.

Mr. Kenaston asked if that property was still owned by Mr. Ferber.

- Mr. Connolly confirmed that it was under the same ownership.

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

#### **Applicant Presentation:**

Mr. Dan VanZeben, the applicant, presented the proposal and explained that when the new ownership purchased the hotel and the associated properties, one of the things they did within the first couple of months of the acquisition was to come to the town and meet with Mr. Connolly to discuss all of the conditions that they were looking at. They hired a contractor who had been doing the renovation work, Mark Fahrenkamp. They had been incredibly pleased with their work and the renovations that were going on, and they were extremely excited about what the product would look like as it placed itself in town. They looked forward to being here and having a wonderful opportunity for those who visited the park, etc.

He said he wanted to mention the outdoor lighting specifically; when they read the ordinance, they understood there would be an obligation to comply with the Dark Sky. He said he acknowledged and welcomed the concept that if there was a Dark Sky ordinance and nothing was done about all of the existing lights around, what was the point of having the ordinance? He said they designed the site, and when they talked about renovations and changes to the outdoor lighting, specifically all of the ballets. They were not very efficient or substantive. The proposed light fixture had the luminaire up inside the canopy, and it would shine the light down to spread the reflection of the light from the luminaire onto the surface to be lit and minimize the amount of light that may wash out from the reflection of the hard surfaces of that. The fixture complied. They were changing out all of the existing light luminaires in the fixtures to the temperature of 2700K, so all the lighting in the resort would be the same color and compliant.

They were making modifications to the existing lighting that would remain. He said if you were out on the street, the luminaire in the canned lights on the second level of the guest buildings could potentially be seen because of the angle and the topography. He said the document and part of the site approval they were requesting was so that they could get to work and finish up the exterior work they were doing on the site. They would be doing a two-inch ring shroud that would eliminate the direct view of the luminaire. In addition, they were modifying some of those lights and said they had done a complete lumen count for the site, which was 468,000 lumens, which sounded like a big number, but it wasn't. They had reserved about 45,000 lumens, so they would have additional flexibility for signage, which would be coming at a later time, under different approval, and in accordance with the town sign policies and documents.

He said they believed that the current sconces complied but were also changing them. That had happened since they submitted their documents. In addition to the other lights that lit up the building, they complied and shined against it without spreading back to the street. They made sure that they had cut-offs on all the parking lot lighting. It was not tall lighting. They would be replacing all the luminaires in there.

As part of the transition to the Marriot Tribute, they were obligated to comply with the current fire and life safety ordinance, specifically ensuring there was lighting in the emergency exit areas from the building out to the locations where people would be able to get away from the building. In addition, they had also calculated and ensured they had a sufficient amount of foot candles to get from those areas inside the resort out to the street, which was a code-compliant issue as well.

With the open extended arbor trellis, it was not a canopy and did not have a roof. Because they were extending the outdoor dining area, they wanted to bring that out and dress that area up. It had been a little bit dismal to the walkway, and how did you develop such a beautiful walking area along the highway? They wanted to dress that up and bring the trellis out a bit more so it would be comfortable during the summer season, shading the sun from the diners. They would still have control from the gate. They would be updating the bankette that was against the wall, etc., but they designed that understanding the compliance of the setbacks and other elements that were part of the development agreement. He noted that all of the steel would be aged to have the rusted steel element.

He discussed the panels they were adding to the port cochère. He said there were things they were required to do with Marriott. Marriott Tribute was an elevated experience for a guest from the current La Quinta select service experience. Some of the things that they wanted them to do first were to take care of fire and life safety issues, which they had done and were doing: updating the fire sprinkler system and fire alarms, doing the proper 90-minute safety lighting battery for the emergency lighting and those types of things. They also wanted the port cochère to be just elevated in its look. They had gone through the

design process for that, and it was a large port cochère. They didn't want to tear it down, and all of the materials they were using were consistent with those already there. The write-up discussed extending the finish around the elevation on the corner as you enter the lobby. It was a very unfinished part there, and it felt like it was going back to the back-of-house service area. They were extending the finish around there with the same stone, shingled siding, and colors as on all of the material finishes that they had been refurbishing.

The metal was stamped cold-rolled steel, which would be etched with an acid so that it could start the process very similar to the materials you see most of the time and have probably heard of: the product Corten or some other kind of material that was artificially started on its rusting process. That's what they would be doing with all of the metal they were using here to meet that finish requirement.

An additional gate was added with the sidewalk, from the pool to the sidewalk. They needed to do that because the current pool layout did not meet the existing requirements of the code. That size was larger for more than 49 people, around the pool and the deck, and required two exits, so they added that and used the same material as the fence that was there. He said that Fahrenkamp did a fantastic job, and anyone who drove by probably never noticed that new gate that went in to meet their requirements with Marriott, and then they adjusted a couple of others so that they immediately had their life safety code up to speed. It was shown in the plan to memorialize that they did it and they had an obligation to do it as it was a code issue that they needed to take care of, and the building code allowed those kinds of emergency type things to be taken care of so they complied with all of those.

What they had been trying to do in all of that was to comply and be consistent with the design and the materials that the Commission had already approved and that they would be consistent with that. There were always things that you'd like to do a little bit differently because you think you could do a better job designing it or even a material change, but they wanted to be respectful of what had been approved and not come in and think that they ought to just come in from out of town and change it willy nilly. They knew they would bring it to the Planning Commission, and he said he would just assume they bring what had already been approved.

He added that they had some additional landscaping requirements that Marriott had asked them to do. The additional landscaping on the edge of the pool, between the pool and the street, so that they could create a little bit better visual barrier through there. The water features kept the noise sufficiently reduced. The site plan reflected a fair amount more landscaping there, and they were also going through the process of replacing failed landscape.

He mentioned a storm in June and indicated that being new to the resort, they discovered that some areas had been developed and paved without considering the water flow. They were in the process of adding additional area drains and other things that would accommodate that so they wouldn't have a building flooding because the rains came.

He explained that the owner wanted to have a positive experience for their guests and what they presented and gave to Springdale in the sense of having a building and a resort that people would be anxious to come to over and over again.

He noted that he argued for wood fire pits, but the more he thought about it, the more he didn't want embers going up into the trees in August and September, so the fire pits would be propane. They were set up to be self-contained, and they would have a propane tank with a pipe going under the ground to the pit. They had a furniture cover that went over the propane tank that was consistent with the design of the other furniture, so it was obscure in its placement, but they would have a clean, controllable fire in those fire pits.

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

Mr. Zimmerman inquired about the arbor canopy and its extension towards the street. He noted that the photographs showed bulb and cord-type lighting and asked whether the intention was to keep that type of lighting or if it would be changed.

Mr. VanZeben said the picture was the rendering from their interior design team, which had done that to show furniture and used a festival lighting element from the rendering package. What they were doing in that area was to add sufficient light. You didn't need a lot of light for evening dining, so what they were planning on doing was running along the side in about three of the beams, a fixture that was about half an inch wide and four inches deep, and the LED anodes were up inside it so they would comply with the dark sky and having their two-inch. They would go directly down and spread just slightly over that area. There would not be any festival lighting in that area.

Mr. Kruschke inquired if there were any known plans for the West Temple property and asked when the additional employee housing would be constructed.

Mr. VanZeben said there were four two-story employee housing elements on the property. They were doing what they needed to get the brand transitioned to Tribute, which he thought was planned to happen in the middle of October. He said Marriott had a lot of requirements that one had to comply with. Those were in the master plan to be brought up to code and usability. They were finished when they acquired the property, and they were online and had been used as family units. He had no background history to know what they were doing as employee housing. He presumed that's what they were and what they were used for. He knew that under new ownership and new operator, that's what they were being used for currently. He believed that in the entitlement of the space between buildings one and two and the housing, they had plans to bring additional units into there. It was a conceptual master plan. The ownership and design had to discuss all of that in addition and get their hands wrapped around the requirements of the property. He said they planned to accommodate what they needed to do by building additional buildings there. He didn't have the answer today of the units they would be doing or how they'd be working for employee housing and how they would be accommodating that, but the plan was to accommodate that and comply with the requirements of the property.

Mr. Kruschke said part of the original development agreement was the completion of six units on the West Temple site, which might not be theirs.

Mr. VanZeben confirmed they did not own that property. They would retain the four in the back as employee housing and develop additional units.

**Motion made by Paul Zimmerman to open the Public Hearing. Seconded by Pam Inghram.**

**Kenaston: Aye**

**Inghram: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**Public Comment:** No comments from the public.

**Motion made by Paul Zimmerman to close the Public Hearing. Seconded by Pam Inghram.**

**Kenaston: Aye**

**Inghram: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**Commission Deliberation:**

Mr. Kenaston stated that they were tasked with determining whether the application complied with the applicable standards in the Town ordinances, including the current updated development agreement from June 2023. He mentioned that he saw no issues with the entire proposal and appreciated that the owner was willing to invest in upgrading the facility, viewing it as a positive development for the town.

Mr. Kruschke agreed, noting that he found no reason to vote against the proposal. However, he expressed concern about whether the promised employee housing would ever be completed, though he acknowledged that the issue couldn't be addressed in the current discussion.

Mr. Zimmerman added that it was commendable that the owner was willing to upgrade the lighting to be more compliant with dark sky standards and align with the town's goals.

Mr. Swanson also noted that the exterior upgrades aligned with the town's vision, which he greatly appreciated.

**Motion made by Terry Kruschke that the Planning Commission approves the proposed design development review for the remodel at the hotel at 792 Zion Park Blvd. as discussed in the Planning Commission meeting on August 21, 2024. This motion is based on the following findings:**

1. **The DDR complies with the requirements of the 2015 Development Agreement between the Town of Springdale and the Ferber parties as amended on June 14, 2023.**
2. **The DDR complies with the requirements of the Commercial Zone Architectural Standards, landscaping requirements, color palette, and Outdoor Lighting Ordinance of 2015 as listed in the development agreement.**
3. **The proposed changes to outdoor lighting will bring it close to compliance with Springdale's present outdoor lighting requirements and the General Plan's Dark Sky objectives.**

**Second by Pam Inghram.**

**Discussion of the motion:** No further discussion.

**Kenaston: Aye**

**Inghram: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

2. Public Hearing: Development Agreement: Review and possible approval of a Development Agreement between the Town of Springdale and Bean, Cotting, Munson, LLC, memorializing the terms of a zone change to the Workforce Housing Overlay Zone on parcel number S-161-8. Applicant: Andy Green. Staff contact: Thomas Dansie.

#### **Staff Presentation:**

Mr. Dansie explained that the Commission had previously reviewed and recommended a zone change for parcel S-161-8 to the Workforce Housing Overlay Zone, which the Town Council approved. That zone change allowed the development of up to six deed-restricted housing units, required to be occupied by households actively employed in the Town of Springdale. The Town Council made that legislative decision on July 10, 2024.

Following that decision, the Workforce Housing Overlay Zone required a subsequent development agreement between the property owner or applicant and the Town of Springdale to formalize the terms of the zone change. The Commission was now tasked with an administrative action: determining whether the terms of the proposed development agreement were consistent with the legislative decision to approve the zone change. They were not evaluating the merits of the zone change or the project itself but were to ensure that the development agreement aligned with the terms of the original approval.

The staff report outlined five conditions of approval from the Town Council's July 10th decision. The Planning Commission was asked to review the development agreement and decide if it was consistent with the Town

Council's approval, and then make a recommendation to the Town Council regarding the adoption of the agreement.

Mr. Dansie noted that after collaborating with the applicant on the development agreement draft, it was sent to the Town Attorney for review. The applicant then proposed slightly different language concerning the project development timeline. One of the Town Council's conditions was that the project needed to be completed within two years, with the possibility of a one-year extension. However, the applicant requested a modification and proposed a timeline similar to that of the Transient Lodging Overlay Zone change. That alternative timeline required construction to begin within 18 months of approval, with completion within two years of that start date, and the possibility of a one-year extension.

The proposed change represented a policy shift and a substantive deviation from the Town Council's original approval. The Commission would need to discuss and decide whether to approve the modification, considering whether it was consistent with the spirit and intent of the Council's decision.

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

Ms. Inghram noted that, as Mr. Dansie had outlined, the agreement as originally drafted complied with all the conditions set by the Council. She questioned their options, asking if they could agree with the first four conditions but not the fifth and what would happen next if they did. She also wondered how the modification would play into the process, whether it would go back to the Town Council, and how many rounds of review might be necessary.

- Mr. Dansie clarified that whatever decision they made would result in a recommendation to the Town Council, as the approval authority for the development agreement was ultimately the Town Council. The Council would then review their recommendation and make a final decision. He explained that since the legislative decision to change the zone had already been finalized, they couldn't alter that decision. Their task was to determine whether the development agreement as drafted was consistent with the Town Council's approval.

They had two options:

1. They could narrowly interpret the Town Council's approval, determining that the Council was specific in its intent with the original two-year timeline plus a one-year extension, and therefore choose not to recommend approval of the modified development agreement.
2. Alternatively, they could consider the broader intent of the Town Council's decision and recognize the practical realities of construction. They could also take into account the consistency with another policy already adopted in the Transient Lodging Overlay Zone, which allowed 18 months to prepare before starting the two-year construction timeline with a possible one-year extension.

Mr. Dansie believed they had the leeway to choose either approach, but they would need to provide clear findings and reasons for their decision.

Ms. Inghram asked Mr. Dansie about the specific timeline for construction in the Workforce Housing Overlay Zone.

- Mr. Dansie responded that he didn't believe specific timelines were associated with the Workforce Housing Overlay Zone, unlike the Transient Lodging Overlay Zone. However, he clarified that the Commission had recently recommended, and the Town Council ultimately adopted, a blanket provision that applied construction timelines to all zone changes.

#### **Applicant Presentation:**

Mr. Andy Green, the applicant, explained that it had all been precipitated by financing. He said they couldn't move ahead with financing until they had the approval of the overlay zone, and they were confident enough that they could hammer out the development agreement, so that wouldn't stop them. He said their financing termed out in February of 2023 and they wouldn't allow it to transfer to the other



property even though it was the same owners'. He said that put them in the situation of having to get new financing at 8% instead of 4%. They would like to proceed with submitting a DDR for improvements on the rear of the Bit and Spur property, but not the DDR that they were approved for, and it just gave them a little bit of leeway. It gets them through to next year, and they could see how the Canyon Casitas did. It was always contemplated that the transient rental units would subsidize both the construction and rent of the employee housing, so they would like to get another year under their belt and not get stuck to where they can't.

He said the agreement had teeth. If they didn't complete it within two years, they would have to rip out everything and remediate it to its original condition. It would go back to the original zoning, which was Valley Residential, with their self-imposed deed restriction for workforce housing. He said it was just a little tight. Theoretically, they could have another month with the approval of the development agreement with the Town Council and then another month or two at least for approval of DDR, and at that point, working drawings, engineering, and all of that and approving a building permit and if they had two wet months in winter, that starts putting their backs against the wall and they were not comfortable doing that. The hope was, and what they were trying to accomplish, was to give it the best chance of success they could, and the extra six months, applying the transient lodging restrictions to it, bought them a little bit more time.

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

Ms. Inghram asked Mr. Green if his understanding was that the timeline would start with the Town Council's approval.

- Mr. Green said no; once the development agreement was approved by the Council and signed by Mayor Bruno, that was when the clock started.

Ms. Inghram pointed out that since the clock wasn't running yet, Mr. Green had some control over the timing and noted that they had tried to expedite the process in the previous meeting in order to carry over financing.

- Mr. Green responded that they had met with their banker, who indicated the financing wouldn't carry over.

Ms. Inghram then suggested that if they weren't fully ready and wanted to evaluate how the Casitas were performing in terms of revenue, why push the timing?

- Mr. Green explained it was because of interest rates, weather, and the upcoming election.

Ms. Inghram stated that interest rates might be moving in their favor, though weather wouldn't, and asked if there was a timeline they needed to meet or if it would be better to delay the process.

- Mr. Green said they could delay the development agreement for eight months if they wanted to play games, theoretically. He said there was a time is of the essence clause and emphasized they were just trying to be completely transparent.

Ms. Inghram then asked if there was a need to change what the Town Council had set if they could effectively delay signing the agreement by six months.

- Mr. Dansie confirmed that delaying the agreement was both a legal and logistical possibility. He explained that Mr. Green could request a continuance if that were an acceptable option. Alternatively, they could align with the Town Council's intent by finalizing the development agreement in writing and signing it, achieving the same outcome whether they delayed for eight months or acted consistently with the Council's original intent.

Ms. Inghram argued that delaying by six months for reasons like securing financing and waiting for better weather was different from asking for an 18-month delay to assess the revenue generated by the Casitas. She pointed out that these scenarios were different; one would add six months, while the other would add 18 months, which was the crux of her concern.

Mr. Green emphasized that an important thing to mention was that every step of the way, they had agreed to 100% workforce housing rather than 70% as required. They asked for six units when they theoretically could get 15 on the property. He highlighted that they had worked very hard with Mr. Dansie to make it an example of an overlay zone that benefited an underrepresented part of the community that could act as an example of what happens when you do things right when you work with the Town. He expressed that they wouldn't want to play games for six months. That seemed disingenuous, so they were coming to the town. He explained that the clock starts two years from the date of the document signature, and what they were asking for was the same language that the Mayor, Town Council, and Planning and Zoning had already approved for transient rental units. He thought the likelihood of the project happening without either playing games and delaying it or getting approval from the Planning and Zoning and Town Council the chances of it happening was slim.

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

**Motion made by Paul Zimmerman to open the Public Hearing. Seconded by Terry Kruschke.**

**Kenaston: Aye**

**Inghram: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**Public Comment:** No comments from the public.

**Motion made by Paul Zimmerman to close the Public Hearing. Seconded by Terry Kruschke.**

**Kenaston: Aye**

**Inghram: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**Commission Deliberation:**

Mr. Kenaston reiterated that the Planning Commission's primary responsibility was to review the development agreement to ensure it aligned with the Town Council's approval of the zone change and reflected the Council's intent. Additionally, they needed to consider the applicant's request for a modified timeline.

He acknowledged that the newly established timeline standard for project completion was generally positive, as it addressed the issue of projects being approved but never completed. However, he expressed concern that the current two- to three-year timeline might be too stringent and unfriendly, particularly for small developers and local businesses. Unlike large corporate developers who have established relationships with bankers, architects, contractors, and other experts, smaller local developers might lack the expertise or financial means to meet the current timeline requirements.

Mr. Kenaston suggested that the Commission consider a more relaxed timeline standard for local businesses and small developers. That approach would support local talent while addressing the growing backlog of projects that might otherwise remain unbuilt.

Ms. Inghram expressed that the ordinance should have included a clear timeline, noting that they had discussed it previously, but it didn't make it into the final language. She questioned why the Town Council had chosen a two-year timeline. She remarked that since workforce housing was similar to transient lodging in terms of construction requirements (kitchens, bathrooms, washer/dryer, etc.), the timeline for transient lodging should also apply to workforce housing.

She suggested that as part of their recommendation to the Town Council, they should advocate for incorporating the same timeline into the overlay ordinance, ensuring it would apply uniformly to all builders,

whether corporate entities or small local developers, and emphasized that fairness was crucial. There should be no difference in treatment between corporations and local businesses. The timeline should be the same for everyone, regardless of the number of businesses they owned or their local status.

Mr. Kenaston agreed with Ms. Inghram but added that it could be argued that securing financing for workforce housing units was more challenging than for transient lodging due to economic factors. He emphasized that they shouldn't impose a stricter timeline on workforce housing units than what was already in place for transient lodging.

Mr. Zimmerman pointed out that the Commission wasn't able to force the Council to take any specific action. Since they couldn't be certain of the Council's intentions, the best course of action would be to recommend that the Council consider aligning the timeline for workforce housing with that of the Transient Lodging Overlay Zone. He acknowledged that the Council might choose a different approach, which would be within their discretion. He emphasized that making that recommendation would allow the process to continue moving forward, benefiting all parties involved. He suggested that the Commission could approve the development agreement in its entirety while recommending the timeline modification for the Council's consideration.

Mr. Dansie reminded the Commission that they had a public hearing on a zone change timeline ordinance a few months prior, which introduced a new standard for all zone changes. The town council approved the ordinance at their most recent meeting and was in the process of codifying it.

The new blanket standard provided a timeline of two years to complete a project, with the possibility of two one-year extensions, which was somewhat similar to the transient lodging timeline. The transient lodging standard allowed 18 months plus two years plus one one-year extension, totaling up to four and a half years. In contrast, the Commission had recommended a timeline of two years plus two one-year extensions to the Council, making the two standards roughly consistent.

Mr. Swanson added that he agreed with everything, but he wouldn't tie them together as he saw them as two different issues.

Mr. Kruschke recommended adding the review of timelines for zone changes to their priority list, aiming to make them consistent across the board.

The Commission debated the appropriate timeline for the development agreement. Mr. Kruschke expressed that applying a generalized timeline would advance their goal of having consistent timelines across all projects. He believed that if the Town Council approved the development agreement with this approach, it would align with their long-term objectives.

Ms. Inghram questioned why the Town Council had chosen a more restrictive timeline.

- Mr. Dansie mentioned that the Town Council's decision might have been influenced by the Planning Commission's recommendation.

Mr. Kruschke recalled that the Commission had been concerned about incomplete projects and the need for a clear timeline. He thought it was their recommendation to the Town Council for a two-year timeline plus a one-year extension.

**Motion made by Terry Kruschke that the Planning Commission recommends approval of the proposed Workforce Housing Overlay Zone Development Agreement between the Town of Springdale and Bean, Cotting, Munson, LLC associated with the Workforce Housing Overlay Zone change approval on parcel S-161-8. The Commission recommends that paragraph 5C be altered to reflect the project timeline and be consistent with the TLO Zone change approval timeline. The proposed alternative language in the staff report is included to replace the existing paragraph C, as discussed in the Planning Commission meeting on August 21, 2024. This motion is based on the following findings:**

1. **The development agreement is consistent with the Town Council's Workforce Overlay Zone change approval from the July 10, 2024, Town Council meeting and includes all the conditions and requirements set forth in the Council's approval except for the change in timeline.**

2. The applicant provided a sufficiently detailed and compelling explanation to justify the required project timeline that was listed in the Town Council motion as a condition.  
Second by Paul Zimmerman.

Discussion of the motion: No additional discussion.

Kenaston: Aye

Inghram: Aye

Kruschke: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

3. Discussion and possible recommendation to the Town Council regarding changes to the Town's Policy for Public Art, revising the Town's standards for murals. Staff contact: Thomas Dansie.

**Staff Presentation:**

Mr. Dansie explained that the Commission had reviewed the public art policy several times, focusing on potential revisions to the mural standards. In their last meeting, the Commission agreed with most of the changes but was concerned about three specific points. The current draft included the following additional revisions:

1. Clarification on Natural Objects: Murals may not be displayed on or affixed to natural objects, such as rocks, hillsides, or vegetation.
2. Size Limit Clarification: The 250-square-foot size limit for murals was applied to the total area of all murals on a property.
3. Height Standards Language: Mural height standards were modified for clarity.

Mr. Dansie noted that, aside from those changes, the policy remained the same as previously reviewed. He requested that the Commission conduct a final review and consider recommending the revised policy to the Town Council for adoption.

**Questions from the Commission:** No questions from the Commission.

**Commission Deliberation:**

Mr. Kruschke remarked that the policy had been reviewed multiple times and had now reached a point where he felt confident about it. He didn't see any need for further changes.

Mr. Kenaston expressed his approval, noting that the policy effectively expanded the allowable color palette while still permitting colors outside the standard palette for artistic expression. He appreciated that the Art Review Board retained the authority to regulate murals, considering that a well-rounded approach.

Mr. Kruschke agreed, emphasizing the importance of the requirement for applicants to justify why certain colors outside the palette were necessary for their artistic expression.

**Motion made by Terry Kruschke that the Planning Commission recommends approval of the revised Town of Springdale Public Art and Art Review Board Policy as presented in the Planning Commission meeting on August 21, 2024. This motion is based on the following findings:**

1. **The policy establishes guidelines for artistic displays that fulfill the goals of the Springdale General Plan by encouraging artistic displays that are compatible with the Town's natural surroundings and village character.**

2. The policy clarifies the requirements for murals and allows for creative expression of ways to promote Springdale's history, character, village atmosphere, quality of life, and spectacular scenic setting.

Second by Pam Inghram.

Discussion of the motion: No additional discussion.

Kenaston: Aye

Inghram: Aye

Kruschke: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

## **B. Discussion / Non-Action Items**

1. Discussion of Draft Wireless Communications Master Plan and potential revisions to Section 10-27 of the Town Code. Staff contact: Niall Connolly.

### **Staff Presentation:**

Mr. Connolly informed the Commission that they were still refining the draft language of the wireless communication ordinance and the associated master plan. However, not all updates were finished in time to be included in the current meeting packet. He suggested that the Commission might want to postpone a detailed review of the ordinance language until a future meeting. By then, they hoped to have resolved some of the remaining issues in the ordinance.

He mentioned that the Commission could benefit from discussing the updates and addressing any general concerns about the project.

### **Questions and Commission Deliberation:**

Mr. Kenaston shared his review of the ordinance and master plan, emphasizing the need for greater clarity regarding the location of telecommunications facilities. He suggested several steps to achieve that, including adding definitions to the ordinance.

1. Purpose of the Ordinance: He proposed adding language to the purpose section that emphasized the need to promote the orderly development of telecommunications infrastructure. That would help ensure that all stakeholders, including businesses, residents, and tourists, were considered in the planning process.
2. Definitions for Location and Search Ring:
  - a. Location: He recommended defining "location" as the exact area where a wireless telecommunication facility was or would be placed. He suggested using longitude and latitude coordinates to the nearest tenth of a second, though he noted that the level of detail might be adjusted as necessary.
  - b. Search Ring: He proposed defining "search ring" as an area on a map that indicated a general location where a communication structure should be situated to meet radio frequency engineering requirements, considering topography and service area demographics.
3. Map Clarity (Opacity): Mr. Kenaston suggested adding a requirement for maps of sufficient detail to ensure visual clarity regarding the location of each tower and base station. That would involve creating maps where tower locations were not obscured by opacity, allowing users to zoom in and see exactly where the towers proposed would be placed.

He asked the Commission if there was any interest in incorporating any of those suggestions into the ordinance and master plan.

Mr. Kruschke noted that most of Mr. Kenaston's proposals focused on the locations of towers and mentioned that he had always viewed the process in two broad sections: The Planning Phase, which involved defining a general plan outlining where the town would prefer cell companies to place their towers and the Proposal Phase. In that phase, specific cell companies would make proposals with exact locations for their towers.

Mr. Kruschke asked whether Mr. Kenaston suggested that the detailed level of information, such as precise locations and search rings, be included in the town's master plan or if it was more for the specific proposals submitted by cell providers.

Mr. Kenaston expressed that he leaned toward including a detailed level of information in both the providers' proposals and the Wireless Communication Master Plan. He reasoned that that level of detail would allow anyone in the community to easily understand the specifics of what was being proposed. He emphasized that as planners, their role involved not only reviewing and analyzing but also effectively communicating the details. He felt that the current plan lacked the necessary detail to clearly communicate the proposed locations and other important aspects of the wireless infrastructure to the community. By incorporating more precise definitions and detailed maps, they could enhance the clarity and transparency of the plan, making it more accessible and understandable to everyone involved.

Mr. Kruschke acknowledged that while some sites in the Master Plan could be very specifically defined, there were concerns about the implications of pinpointing exact locations, especially when it came to residential properties.

Mr. Kruschke expressed apprehension about predetermining specific locations for towers on personal property, particularly given that two of the proposed sites were on residential properties. He believed it might not be feasible or advisable to predefine exactly which residential property a tower would be placed on. His concern was that creating specific locations in the plan could lead to complications if those locations were on personal property.

Mr. Kenaston suggested that residential areas could use a search ring to cover a broad area, allowing flexibility while still providing some level of specificity. For areas like Majestic View, the Commission had proposed differentiating standards based on whether the property was commercial or residential, which might affect tower height requirements. Additionally, he mentioned that for larger properties, such as the one behind Moenave and Red Hawk, defining a search ring or a specific tower location could offer residents more certainty about the town's plans.

Mr. Kruschke clarified that he envisioned a search ring as a circle of a specific diameter on the map. In that context, the plan could specify that a tower should be located within that circle, which could span multiple properties. That approach would allow cell companies to negotiate with property owners within the search ring to identify suitable sites for the infrastructure. He suggested that the method might be more practical and flexible than defining exact latitude and longitude coordinates.

Mr. Kenaston said if they were going to approve a site on the Master Plan, it needed to be more location-oriented. If they weren't comfortable with the site that was being proposed and the lack of specificity, then perhaps they shouldn't approve it.

Mr. Kruschke said that drawing a circle and allowing the tower to be located somewhere within that circle made more sense to him.

Mr. Kenaston explained that the tower behind Moenave and Red Hawk could potentially affect many residents on that side of town. They didn't know specifically where the consultant suggested the tower should go, whether it was close or back in the town yard. He suggested that in that case, they require them to provide better latitude and longitude and details regarding the tower.

Ms. Inghram expressed understanding of Mr. Kenaston's concern, especially when they were specifying an area that was 100 acres or more. It was a little too general. Specifying a target area using a square or a circle would provide people with a good visual.

Mr. Connolly mentioned that CityScape already had the latitude and longitude coordinates since those were used to create their projection maps. They could request that detailed information.

Mr. Kruschke agreed, suggesting that obtaining those coordinates would be very helpful to ensure that the recommended tower locations were within the specified area.

Mr. Zimmerman noted that they were essentially asking for the tower locations to be plotted on a more detailed map. The current maps were too small-scale and made it hard to pinpoint an exact location. A more detailed and expanded map would make understanding and visualizing the proposed locations easier.

Mr. Kruschke suggested they might want a detailed map for each site, potentially including property lines, to provide additional context and clarity.

Mr. Connolly mentioned that providing detailed maps with property lines should not be an issue, especially for the town's sites, which constitute the majority. He added that they could collaborate with the consultant to find a balance and be specific enough to meet their needs while allowing flexibility.

Mr. Dansie explained that specific locations for non-town-owned sites would not be identified to avoid pinpointing properties, but a general location could be provided. Detailed maps with precise locations and property lines could be supplied for town-owned sites. They would collaborate with CityScape to provide those details and ensure the Commission was comfortable with the proposed sites.

Mr. Kenaston suggested it would be helpful if the consultant could provide information about the tower's coverage area, including the technologies, such as 5G, 4G LTE, etc.

Mr. Zimmerman noted that it might be challenging to provide detailed coverage information since the designs are hypothetical until a carrier installs a tower with the specified technology. He expressed some hesitation about the need for such detailed coverage data. Mr. Swanson agreed.

Mr. Kruschke suggested considering a requirement for cellular providers to present the town with their overall development plan, including all planned sites, even if they wouldn't be implemented immediately. He thought it would be helpful to have that information upfront.

Mr. Kenaston agreed, noting that it would allow the town to determine whether the plan aligned with the vision of the Master Plan.

Mr. Zimmerman expressed concern, pointing out that telecommunications was a highly regulated area of federal law, which limited what local authorities could require. He questioned whether it would even be possible to mandate that a provider submit such a plan.

Mr. Connolly asked if the Commission was requesting that the town request a full network plan outlining all the potential future sites in Springdale from providers who wanted to build a tower.

Mr. Kruschke proposed that rather than requiring a detailed design, they could request a conceptual plan showing overall coverage to ensure it aligned with the town's plan.

Mr. Connolly concluded by saying they could discuss that with the consultant to determine whether such a request would be within legal parameters and if it could work. He explained that they had recently sent the draft ordinance and master plan to the major providers for their feedback. They wanted to ensure that the master plan aligned with the providers' vision for how they intended to deploy in Springdale. He expressed hope that that outreach might provide some useful answers.

Mr. Swanson expressed concern that requiring providers to submit plans, as proposed, might not lead to meaningful results. Providers might submit something superficial without much effort, as there would be no binding obligation for them to develop a detailed plan—it would essentially be a courtesy.

Mr. Kenaston added that providers might view such information as proprietary and be reluctant to share it, preferring to keep it confidential.

Mr. Connolly clarified that even if providers expressed interest in building towers, they wouldn't gain vested development rights for other potential locations. They would need to apply for their wireless and DDR permit for each specific site. Any additional information provided about other locations would be purely informational and wouldn't grant them any development rights.

Ms. Inghram asked if it was true that they couldn't deny an application based on the provider's overall plan and whether they had to treat all applications equally, regardless of the provider's potential total rollout.

- Mr. Connolly confirmed that was correct. He explained that it was ultimately up to the providers to decide how and where they wanted to deploy in Springdale, choosing the locations that best served their needs. While the town could identify and vet preferred locations, there was no way to require the providers to follow a specific order in their deployment.

Mr. Kruschke expressed concern, noting that the ordinance outlined specific priorities and preferences. He emphasized that the ordinance was meant to guide providers to use those preferred sites or provide justification if they couldn't.

- Mr. Connolly explained that the vision was for providers to deploy in the nine locations that had been identified.

Mr. Kruschke asked if, in theory, the town could deny a provider's application if they were not satisfied with the provider's justification for choosing a location lower on the priority list.

- Mr. Connolly confirmed that if a provider failed to show evidence of compliance with the ordinance, the town could refuse their application.

Mr. Zimmerman pointed out that presenting a complete system plan upfront was in the vendor's best interest.

Ms. Inghram added that companies might prioritize areas where they could make the most money, which might not align with the town's overall best interests.

Mr. Kruschke suggested they ask the consultants, being that they were the industry experts, and get their insights. He noted that understanding future plans and industry trends could be valuable, even if the information wasn't directly used for decision-making. He thought having a plan could provide useful context.

Mr. Kenaston mentioned that there were enough proposed towers that, if even half were constructed, the town would have very good cell coverage, so not all proposed towers might be needed.

Mr. Zimmerman inquired if any providers were actively seeking to build towers.

- Mr. Connolly responded that one provider was eager for the town to finalize the plan and had already reviewed a few potential sites.

Mr. Kruschke noted that the Zoning District table was missing a definition for "A". He said section 10-27-7-C(4) mentioned "100 feet" and questioned the meaning of "or 100 feet".

- Mr. Dansie explained that it was in brackets and was suggested as an alternative to using "one times the height of the facility" as a measure.

Mr. Kruschke also asked about the balloon tests mentioned in section 10-27-6-C(1), which was new.

- Mr. Connolly indicated it was added by the consultant and he would need to clarify the practicalities of that visual impact analysis.

### **C. Consent Agenda**

1. Approval of Minutes from June 5<sup>th</sup>, June 19<sup>th</sup>, July 3<sup>rd</sup>, and July 17<sup>th</sup>, 2024.



Motion made by Paul Zimmerman to approve the Consent Agenda for the Minutes from June 5th, June 19th, July 3rd, and July 17th, 2024. The motion was seconded by Terry Kruschke.

Kenaston: Aye

Inghram: Aye

Kruschke: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

**D. Adjourn**

Motion made by Paul Zimmerman to Adjourn at 07:03 p.m. The motion was seconded by Pam Inghram.

Kenaston: Aye

Inghram: Aye

Kruschke: Aye

Zimmerman: Aye

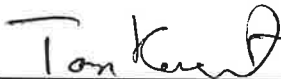
Swanson: Aye

The motion passed unanimously.



Robin Romero, Deputy Town Clerk

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



DATE: 9/18/24

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).





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

## ATTENDANCE RECORD

Please print your name below.

Meeting PLANNING COMMISSION REGULAR Date 8/21/24  
MEETING

DAN VANZEEBON  
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ANDY GREEN  
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