

10/15/2025

Springdale Planning Commission

Attn: Planning Department

118 Lion Blvd.

Springdale, UT 84767

RE: Development Design Review for 54 Hummingbird Lane (Applicant: Dokstar, LLC.; Breck Dockstader) Request for Conditioned Approval Requiring Protection of Access, Utilities, and Public Transparency

Dear members of the Planning Commission,

We are writing regarding the Development Design Review (DDR) application submitted by Dokstar, LLC for 54 Hummingbird Lane, scheduled for review this evening.

As the adjoining property owners at 44 Hummingbird Lane, we have relied on the existing improved driveway located on the Dockstader parcel for access to our home since purchasing our property in 2019. This access was represented as permissible by the seller, who also acted as our agent in the transaction. We also understand that certain utilities serving our property also traverse the Dockstader parcel. We therefore have a direct and substantial interest in the development of lot 54.

We are not opposed to exploring other access options and have discussed alternatives with the applicant. However, no arrangement for a different driveway has been finalized or permitted. Until lawful replacement access is secured and constructed, we must continue to use the existing driveway to reach our property. We respectfully request that the Town ensure our access and utility connections are not adversely impacted and that all height, setback, and design standards are strictly enforced given the site's unique location adjacent to Zion National Park.

We do not oppose the applicant's right to develop his property. However, we urge the Commission to **condition any approval** on enforceable measures that (1) preserve neighboring access and utilities during constructions, (2) require submittal and approval of a Construction Management Plan (CMP), (3) ensure all necessary off-site easements are secured, and (4) address the applicant's lack of transparency, which has deprived neighboring residents of due process.

1. Current Status of Access

- Our property currently depends on an implied easement access route over the Dockstader parcel
- A historic easement across the Kisner property exists, but does not clearly authorize vehicular access (no ingress/egress stipulation)

- We are actively working with Mr. Kisner to formalize a lawful easement and maintenance agreement, but it has not yet been executed
- The applicant's plans rely on a 20-foot fire access across Parcel 45 (Gary Johnson), and Mr. Johnson has stated to the Town that he will grant no such rights

In summary, no recorded, functional vehicular access presently exists for either parcel. Allowing grading or construction prior to a replacement route being legally secured would eliminate our only point of access and risk leaving our home without ingress or egress. While Mr. Dockstader has urged us to assert a right over the Kisner property, we believe it is far more appropriate to reach a lawful and cooperative resolution that respects the interests of all parties involved.

2. Status of the Proposed Access Agreement

Earlier this year, Mr. Dockstader provided an "Easement Abandonment and Construction Agreement." While the applicant has since made partial revisions in response to our attorney's comments, several key issues remain unresolved. The agreement continues to contain ambiguities, is executed under the wrong entity (CBM Springdale Partners, LLC instead of Dokstar, LLC), and lacks clarity regarding construction obligations, consideration, and mutual release terms. We are presently working with both Mr. Dockstader and Mr. Al Kisner to finalize a lawful and permanent access arrangement. Our intent is to secure and record an easement across the Kisner parcel that is consistent with Town and Fire District standards prior to executing any agreement to abandon access rights across the Dockstader parcel. The ball is currently in our court, and we are proceeding in good faith to complete that process. Given the applicant's history of representing that a formal agreement was unnecessary or already resolved, it is critical that the Town require this documentation before any grading or permit approval.

3. Basis for a Conditioned Approval

Town ordinances already require that adequate, legal, and physical access be verified before issuance of a building permit. Given the interdependency of these parcels and the absence of a Construction Management Plan, we request that the Commission condition approval as follows:

- 1) Protection of Access and Utilities:** Prior to any grading, demolition, or building permit, the applicant shall provide evidence, to the satisfaction of Town staff, that:
 - Construction activities will not obstruct or remove the existing driveway currently used to access 44 Hummingbird Lane until lawful replacement access is available; and
 - Any public or private utility infrastructure serving adjacent parcels will be protected or relocated under Town-approved permits to prevent disruption of essential services.

2) Construction Management Plan

- Because no Construction Management Plan was submitted with the DDR application, approval should be conditioned on the preparation and Town approval of a CMP prior to issuance of any grading or building permit.

3) Recorded easements for the Johnson Parcel (Parcel 45)

- If the approved access design relies on crossing Parcel 45 (Johnson), no grading or building permit shall be issued until a recorded, insurable access easement from the Johnson property owner has been provided to the Town. If such an easement cannot be secured, the applicant shall redesign to provide compliant access wholly within property they own or have lawfully secured rights to.

4) Separate Authorization for Off-Site Work

- Any proposed improvements or grading on parcels not owned by the applicant (e.g., Kisner or Johnson) shall not be deemed approved under this DDR and must be separately authorized by those property owners.

5) Fire District Confirmation

- The Hurricane Valley Fire District shall confirm in writing that final access design satisfies fire and emergency response standards before issuance of a building permit.

6) Access and Utility Agreement Requirement:

- Prior to the issuance of any grading, demolition, or building permit, the applicant shall submit to the Town a fully executed and recorded agreement between Dokstar, LLC and the owners of Lot 44 (Tylers) establishing the terms of vehicular and utility access between the two properties.

4. Transparency and Due Process Concerns

We, and our adjacent neighbors, are deeply concerned about the lack of transparency and public due process surrounding this application. By submitting the project as a residential build while privately expressing an intent to convert it to transient lodging, the applicant has effectively circumvented the public hearing and notice requirements that exist to protect neighboring residents and ensure community input.

The consequences are tangible: the plans call for a two-story “garage” structure approximately twenty feet from our front door, transforming what has always been an open and residential setting into a confined alley-like corridor. Should the property later operate as transient lodging, this structure’s activity, lighting, and traffic will further erode neighborhood character and privacy.

We urge the Commission to recognize that these procedural omissions undermine public confidence in the Town’s land-use process. Conditioning approval to require full disclosure

of intended use and adherence to all public-hearing obligations is essential to restoring transparency and due process for affected residents.

5. Conclusion

We are proceeding in good faith with Mr. Kisner to finalize a lawful easement and wish only to ensure that this transition occurs in an orderly, equitable way that protects our property's access, utilities, and residential character.

We therefore respectfully request that the Planning Commission condition any approval of the 54 Hummingbird Lane DDR as outlined above and include this correspondence in the public record.

Thank you for your time, diligence, and continued service to the Springdale community.
Respectfully submitted,

Erin Tyler

Kenneth Tyler