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**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING ON TUESDAY, JULY 21, 2015,
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.
THE MEETING BEGAN AT 5:01 PM.**

MEMBERS PRESENT: Chairman Jack Archer, Commissioners Joe Pitti, Liz West, Mike Marriott, Randy Taylor, Allan Staker, and Jack Burns from Zion National Park

ALSO PRESENT: DCD Tom Dansie and Town Clerk Darci Carlson recording. Please see attached list for citizen signed in.

Approval of Agenda: Motion made by Joe Pitti to approve the agenda; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie announced that tomorrow at the Canyon Community Center starting at 8:00pm astronomers from Cedar Breaks National Monument will present the next Night Sky Event.

Mr. Dansie noted the applicants for agenda items 1 through 4 were not yet in attendance; therefore Chairman Archer suggested the Commission skip ahead to agenda item 5.

Action Items

Sign Permit: Master sign program at Hoodoo's Market located at 35 Lion Boulevard: Mr. Dansie said this application was reviewed in June. The Commission had no concerns about the signs themselves but with details in the application. The applicant submitted photo simulations to illustrate the location of the signs, method of illumination and the material being used. The height of the pole will be 12' which is in compliance with the standard. Max Gregoric was in attendance to answer questions.

- Mr. Marriott asked about another monument sign that was on or next to the property. Mr. Gregoric said it was not his sign on his property.

Motion made by Joe Pitti to approve the sign application for Hoodoo's Market at 35 Lion Boulevard based on findings the sign application meets regulations related to size, height, colors, materials, illuminations and placement for the free-standing sign, market sign and building mounted ice cream store sign. Conditions include: 1) the color of the Hoodoo logo must conform to the color palette or be limited to 10% of the allowable area of the sign; seconded by Mike

Marriott.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public Hearing – Modified Design / Development Review: Addition of two residential units to a previously approved DDR for Hoodoo's Market located at 35 Lion Boulevard: Mr. Dansie said this

public hearing is for phase two of 35 Lion Boulevard. Phase one was the commercial component which included the ice cream store and market. Phase two includes two residential units to be located on the east end of the property. The units are nearly identical in design, are two stories in height with a 900 square foot footprint. Mr. Dansie recommended the Commissioners confirm 30% slopes will not be disturbed during excavation. Samples of wood siding and stucco were shown.

Commission questions: Mr. Pitti asked if the Town would pave on the street side. Mr. Dansie answered the Town had no plans to expand the pavement.

Mr. Marriott asked what the applicant planned to do to insure 30% slopes were not disturbed. Max Gregoric was in attendance to answer questions. He said there would be minimal disturbance to the natural landscape in that area. Fencing would be put up during construction. The residential development is much smaller than what was approved previously in the settlement agreement. The slope would not be disturbed.

Community questions: Lisa Zumpft asked if the residential units could convert into transient lodging. Mr. Dansie said transient lodging was allowed in the Village Commercial zone but as a conditional use. If request was made to convert, Town would analyze the impacts and conditionally approval. The Town may require additional improvements at that time.

Motion made by Mike Marriott to open public hearing; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public comment period: None were made.

Motion made by Jack Archer to close public hearing; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Mr. Archer said the applicant addressed the 30% slope issue.

Mr. Pitti commented that the residential project is significantly smaller than what was proposed before. He said the applicant made an effort to protect the slope in phase 1 so he felt comfortable the same would happen in phase 2.

Mr. Marriott said the development conformed to the ordinance.

Motion made by Mike Marriott to approve the DDR for phase 2 of the residential development at 35 Lion Boulevard based on the proposal being compliant with landscape, setbacks, slopes, outdoor lighting, colors materials and parking. Conditions include: 1) applicant must identify all 30% or greater grades and take measures to protect during construction; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Chairman Archer moved back to item one on the agenda.

Public Hearing – Preliminary and Final Subdivision Plats: Zion Park Holdings Commercial Subdivision, a two-lot subdivision located at approximately 1141 Canyon Springs Drive: Being related to the applicant, Commissioner Mike Marriott recused himself from agenda items 1 and 2.

Mr. Dansie said this is a proposed subdivision for the development of the Springhill Suites. It is a straight-forward proposal. The infrastructure already exists. The Commission needs to determine if the lots meet the lot size requirements, lot area and design standards for the Village Commercial zone. If they do meet the requirement, the Commission can make a recommendation to the Town Council to approve the preliminary and final plats. Mr. Dansie suggested the Commission discuss recording an easement for the Zion Canyon Trail in conjunction with the subdivision plat.

Commission questions: Mr. Taylor asked about the routing of the trail. Mr. Dansie said it would follow the perimeter of the parking area along Canyon Springs Road and then alongside Desert Springs Road. He said the Town is diligently trying to pursue trail easements on both sides of the property so there are options as to where the trail will come out.

Community questions: Lisa Zumpft asked the applicant why they were subdividing the property given the flood plain area. Kirk Barker was in attendance to answer questions. He indicated it was for the internal ownership structure and hotel financing. They do not want to give the land to the bank as a condition of the loan. They cannot build permanent structures in the flood plain.

Ms. Zumpft also asked about the location of the bike trail. Mr. Barker said it would go along Canyon Springs to Desert Springs to Big Springs. The bike path does not cross the river and go into the residential area.

Alan Jensen asked how a flood plain is delineated. Mr. Dansie said the Town uses the flood hazard mapping produced by FEMA. All portions of the Town are mapped for their flooding potential. An ordinance regulates development in flood zones.

Motion made by Joe Pitti to open public hearing; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Public comment period: None were made.

Motion made by Jack Archer to close public hearing; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Commission discussion: Mr. Taylor asked for clarification on the boundary of the second parcel. The second lot is not contemplated for development at this time.

Mr. Pitti asked if Zion Park Holdings was amenable to record the easement as part of the plat. Mr. Barker answered 'yes'.

Motion made by Randy Taylor to recommend to the Town Council approval of the preliminary and final subdivision plat for Zion Park Holdings; the subdivision plat meets conditions for approval

including lot size, width, frontage, infrastructure; the final plat follows same as the preliminary. Conditions include: 1) encourage the developer to record the easement for the bike trail at the same time they record the final plat; seconded by Joe Pitti.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Public Hearing – Design / Development Review: Springhill Suites, a 114-unit hotel located at 1141 Canyon Springs Drive: Mr. Dansie said this property is subject to the Zion Park settlement agreement executed in 1994 and amended in 2010. It allows development on the property to exceed several of the Village Commercial standards.

Mr. Dansie suggested the Commissioners review the following:

- Compliance with standards in the settlement agreement including setbacks, building height, size, lot coverage, and number of units;
- Compliance with standards in the Village Commercial zone including landscape design, lighting, colors, and materials.
- Clarify size of building A is 30,000 square feet or less in footprint, which is the maximum size allowed by settlement agreement.
- Appropriate plant selection and landscape vegetation is chosen from the Town's approved plant list; especially the sod species.
- Clarification on height of lighting poles and design of building mounted lighting.

Commission questions: Mr. Taylor questioned the remaining square footage available for future development. Mr. Dansie said the group also owns additional land not subject to the subdivision or this proposed development. The settlement agreement requires this area be developed as single family or transient homes.

Ms. West asked if the fire district's ladder can reach the roof height of 35'. Mr. Dansie was unsure.

Mr. Taylor asked if the settlement agreement determined the number of stories. Mr. Dansie said the settlement agreement does not but the underlying Village Commercial zone limits the building to 2-story with a provision for a 3rd story walk-out basement.

- To clarify, at the time the settlement agreement was drafted the zoning ordinance did not allow basements as a separate story. The agreement has language that mimics this language. As long as the basement was a non-public area without exterior entrances it was not counted. Since then Town code has changed and walk-out basements are allowed in the Village Commercial zone. These basements are not counted as third stories as long as certain criteria are met. The developer understands the settlement agreement stipulation but because code has changed they are taking advantage of this provision.
- Mr. Taylor said if the settlement agreement governs the development these terms should override the zoning ordinance. He noted it does for all the other conditions.
- Mr. Dansie said several Commissioners raised the same issue. The question was run by the Town attorney.
- Mr. Dansie noted that settlement agreements usually are drafted so the municipality is granting certain concessions to a developer in exchange for the termination of lawsuits. They generally grant additional rights. The attorney's reading of the agreement emphasized this point. There are clauses in the agreement that address the right to develop under the current ordinance or future changes to the ordinance.
- The attorney said the provision for the walk-out basement could be applied to this building rather than the agreement's stipulation for basements.
- Ms. West said it seemed unfair that the applicant could pick whether they wanted to follow the settlement agreement or the current ordinances.

- Mr. Barker said the settlement agreement does not stipulate the number of stories. It can therefore be considered a third story rather than a basement. The building still falls within the maximum 35' height requirement.
- Mr. Taylor said the number of stories is governed by the ordinance. The maximum is two stories.

Community questions: Brant Warner expressed concerns about water. In the settlement agreement the Town agreed to provide 127 water connections to the property. He asked how this breaks down and how many have already been used. There should be clarification that all properties impacted by the settlement agreement retain their water rights. He said the developer retains the water rights but the Town provides. More information was needed.

- Mr. Dansie said the settlement agreement guarantees the property owners a certain number of water connections to hook into the Town's water system. The number of connections is reduced with new development. There is a formula the Town engineer uses based on the size of the hotel and the residential equivalency. Mr. Dansie said this issue was not related to the DDR for the hotel but something the Town is aware of.

Applicant Kirk Barker and Designer Eric Hansen were on hand to answer questions. Mr. Pitti asked them to address the original concerns mentioned by the DCD.

- Mr. Hansen said the intent was to maximize the square footage of the building as allowed by the settlement agreement. The final footprint is 29,998 square feet. He said they were pushing to make it as big as they could get.
- Mr. Barker said he has not reviewed the lighting plan but the intent was to make it similar to that found at the Hampton Inn. This will keep continuity of character and be easier to maintain. The proposed pole height in the parking lot is 14'. The building lighting had not been determined yet, but similar to the Hampton.
- Mr. Baker acknowledged concerns about the basement but said the settlement agreement doesn't say they are restricted to 2 stories. It only indicates a maximum building height of 35'. The Village Commercial ordinance has changed since the master settlement agreement and now walk-out basements or third stories are allowed as long as it meets the maximum height allowance.
- Mr. Hansen said they didn't pick and choose what was most convenient; they developed it as a walk-out basement as allowed by the Village Commercial zone.
- Mr. Pitti said given the way the third story has been structured it meets the conditions contained in the ordinance to qualify as a walk-out basement.
- Ms. West questioned whether the settlement agreement superseded the ordinance by saying it could not be public.
- Mr. Barker said there was ambiguity; there is no language governing this in the master settlement agreement so they turned to the Village Commercial zone. If they follow the agreement, it won't be called a basement. If they follow code, it can be called a walk-out basement.

Mr. Archer asked where the air conditioning units would be located.

- Mr. Taylor said the Commission received an email from a resident who lives on the east side of the Hampton Inn complaining about the constant noise from the AC units. The Commission wants to make a provision that this doesn't happen again with the new construction.
 - Mr. Barker said they had not fully designed this yet. The Springhill Suites are much farther away from residences than the Hampton.
- Mr. Burns said this should be looked at closely in the design. It is unfair for adjacent neighbors to deal with the noise.
- Mr. Archer agreed and said this needs to be done before the hotel is built. Complaints about the Hampton Inn were not satisfied.

Mr. Archer asked about bus parking. Mr. Barker said it would likely be adjacent to the dumpsters at the Hampton Inn on the east side. Mr. Archer noted buses have noise issues too so they should be moved away from residential areas as much as possible.

Mr. Burns commented the species of grass called out is a wetlands grass. Mr. Barker acknowledged this was missed and they will select a drought tolerant species.

- Mr. Taylor noted the ordinance requires a grass area must be wider than 10' otherwise it must be landscaped with a different material.
- Mr. Baker said the landscape architect is the same as the one used for the Hampton so the intent is to create a similar style and design. They will provide the landscape architect the Town's approved plant list.

Mr. Archer asked how close the development comes to the springs and the pond. The applicant showed the Commissioners on the map via the screen.

- Mr. Taylor asked if water from the pond would be used for irrigation. Mr. Barker answered 'yes'. Water is currently used from the pond for the Holiday Inn Express. The Hampton uses water from the Town.
- Mr. Staker asked about ownership of the water rights in the springs and pond. Mr. Barker thought they had first priority then the Town. Mr. Dansie was not sure about priority but added there is generally good cooperation and communication between the two entities regarding water.
- Mr. Pitti asked about landscaping around the pond.
 - Mr. Barker said the pond needs to be cleaned-up and beautified. He suggested possible dredging and removal of Russian Olive trees. They intend to improve the area and trail that circles the pond.
 - Mr. Pitti said it is an important wildlife habitat and Town amenity. It should be protected during construction.

Mr. Archer addressed Mr. Chuck Passek from the RSFPD who was in the audience and asked if he knew the height of the fire truck apparatus. Mr. Passek said he would have to find out, but questioned at what point Springdale would require a ladder truck. He said the development plan will be reviewed by the Fire Marshal.

- Mr. Archer said the applicant needs to be concerned about fire and protection of guests. Mr. Hansen said they would get the input of the Fire Marshall. The buildings will have sprinklers throughout.

Ms. Zumpft said the condition of Canyon Springs Road from SR-9 had deteriorated from construction. She asked when the road would be fixed. Mr. Barker said they will talk with the contractor and get their recommendation.

- Ms. Zumpft followed up by asking how long the construction would take. The Canyon Springs Board was responsible for one-third of the road and would need time to fund any repairs. Mr. Barker said construction would likely start in December and take twelve months.

Ms. Zumpft said light bulbs inside the rooms at the Hampton are visible from outside. She requested they use down directed fixtures with bulbs to reduce light trespass. Mr. Barker said the tallest window will be lower than the Hampton.

Ms. Zumpft asked the applicant be mindful of noise coming from HVAC units. She asked they be screened to minimize sound going out and up.

Ms. Zumpft asked about the open space ratio on lot 1.

- Mr. Dansie said the settlement agreement superseded the traditional landscape requirements. Lot coverage is calculated on the entirety of the parcels not each development.

Ms. Zumpft asked how they would protect the pond during construction. Mr. Hansen said the contractor and civil engineer had developed a storm water pollution plan they would carefully execute.

- Ms. Zumpft said it was important to remove Russian Olives and other exotics. It is critical to allow native species to come back. She encouraged them not to landscape but allow the natural habitat. Ms. Zumpft said don't degrade the pond.

Alan Jensen asked about the impact of traffic from 114 units on SR-9. Mr. Barker said they were concerned about access in and out of the hotel but had not conducted a formal traffic study. Hotels generally have less impact than restaurants or retail establishments.

Stephen Roth asked if there was an ordinance about swimming pool hours. Mr. Barker said the hotel pool closed at 11:00pm.

- Mr. Roth said if a private resident was having a party that was as ruckus, he felt the police would be called. He was unsure if the Town had a way of governing swimming pools, but 11:00pm was unacceptable for residents living in the area. Residents were very troubled by the hours of the swimming pool. It is a bad situation.

Mr. Roth said the General Plan talks about rural atmosphere. He asked what they had done in their design that addressed this goal.

- Mr. Hansen said the scale of the development is dictated by the settlement agreement and the Village Commercial zone.

Mr. Roth said he appreciated the comment about the water and assumed the Town Engineer had a handle on the water the Town was consuming and any danger of overloading our water supply.

Brant Warner asked how the developer would mitigate construction damage. During construction of the Hampton Inn irrigation water was shut off, damaged or broken. Internet connection was also affected. He wanted this to be policed better. If something is broken it should be immediately repaired.

Mr. Warner asked about the amount of water being used from Big Springs. The current formula seems vague.

- Mr. Barker said it is a defined formula. The 114-units equates to approximately 21 water shares. Water shares are exchanged for connections.
- Mr. Barker said they were using the same General Contractor and many of the same subcontractors so they hoped to minimize the negative impact.

Motion made by Liz West to open public hearing; seconded by Jack Archer.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Public comment period: Jonathon Zambella said it was premature for the Commission to approve this DDR tonight with an incomplete landscape plan, missing utilities placement, and exterior lighting information. He said given comments, the Town should take a decibel reading at the Hampton pool and use this as a baseline study for future pool developments adjacent to residential areas. Mitigation of noise was important and should be specified in the plans. Mr. Zambella also expressed concern about the pond. He understood it was not public property but the developer needed to keep an eye on construction run-off. There was potential they could destroy the pond habitat. Any clean-up should be done in an eco-friendly way.

Ms. Zumpft agreed with Mr. Zambella's comments. She said the Commission should consider postponing approval until they get the information they need.

Mr. Roth assumed the building conformed to the Town's architectural guidelines. To him it was just a massive long wall with holes for people to peek out. They looked like cookie cutter hotel rooms. He suggested they utilize architectural design techniques to break up the expanse of the buildings.

- Mr. Hansen said the design was a balance between cost, maintenance and durability. Mr. Barker said they wanted to bring out architectural elements similar to what exists in the community and the lodge in the Park. They want to create a harmony between the architecture and the natural beauty.

Mr. Jensen said it appears the building exterior conforms to ordinances and has a village, rural look. He thought landscape might enhance this as well. He asked the developer take into account existing elements in the community that will help harmonize.

Motion made by Joe Pitti to close public hearing; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Commission discussion: Mr. Archer said the biggest issue is the conflict between the ordinance and the settlement agreement regarding the basement. He tended to lean toward the advice given by the Town attorney. Mr. Archer agreed the plans were not totally complete and noted they have required other applicants to come back with additional information before approval was given. If the Commission decides to move forward he would like to add stipulations.

Mr. Pitti said he interpreted the agreement similarly to the attorney. Regarding the idea to table, he was embarrassed the Commission decided to table the 35 Lion Boulevard sign application and felt putting it on the agenda again was a waste of time. Working through conditions is the job of the DCD.

- Mr. Pitti noted there is a noise ordinance addressing commercial uses. If there are problems residents should contact the Town or hotel owner.
- He asked the developer do their best to shield noise coming from HVAC equipment. He understood this can be challenging in a condensed area where you have commercial and residential areas close together.
- Mr. Pitti said if the Commission had enough information before them based on what was required, they could not table. There must be a really good reason to do so. The Commission can stipulate conditions in the motion so the developer complies.

In regards to the 35 Lion Boulevard sign application, Ms. West said the Commission requested changes from the applicant because there was nothing on paper. The Springhill Suites provided visuals and conditions will be mapped out for them to meet.

Mr. Staker commented the development appears to meet requirements. He still had questions regarding how to resolve the walk-out basement issue however he did not see a problem if the developer determines the best option to maximize their project. Mr. Staker stated the pond is a wildlife habitat and environmentally sensitive. He cautioned the developer to be careful during any clean-up effort.

Mr. Taylor said if the applicant agrees to conditions, including improvements to sound deadening and care of the pond, they could have the walk-out basement. He felt the Town should be getting additional benefit if the Commission agrees to the applicant's interpretation of the basement.

Mr. Archer said given the legal advice they should allow it. It was a good concept. The building is bigger than they would all like but it fits with the Hampton and the General Plan recommendation of using parkitecture. Given the settlement agreement there is not much they can do.

Mr. Pitti agreed it is bigger but felt the architectural result was good. It incorporated parkitecture and the designer breaks up the rooflines. The applicant needs to pay attention to the comments made tonight because they are important issues. The DCD must also pay close attention as the project develops to get the best outcome for neighbors.

Mr. Pitti asked how the Town ensures the square footage calculation was correct.

- Mr. Dansie said they scale the plans and confirm they are in compliance with what was approved and submitted. During construction they spot check. There are no resources to verify every square inch.

- Mr. Pitti said the Commission entrusts the DCD and Town staff to verify items and alert someone if they are out of compliance. Putting conditions in a motion is satisfactory enough to move forward.
- Ms. West agreed, however she was still grappling with the basement issue. To her it was either a three-story building which is not allowed in the Village Commercial zone or a basement that cannot have public use.

Mr. Taylor asked if the noise ordinance has a provision for decibel levels at property lines. Mr. Dansie answered there is language about loud, obnoxious and annoying sounds but no mention about decibels. If noise is perceptible at property boundaries after the curfew, this is a violation of the noise ordinance.

- Mr. Taylor was concerned about HVAC unit noise. Mr. Archer said there was a provision in code that required shielding of mechanical units.
- Mr. Pitti recommended they go back to the General Plan and consider adjusting the section about noise to help residents.

Motion made by Randy Taylor to approve the DDR for 114-unit lodging facility at 1141 Canyon Springs Drive; it meets the requirements of the settlement agreement which supersedes a number of the Town's zoning ordinances including building height, square footage, unit count, lot coverage. Conditions include: 1) building is limited to a 30,000 square foot footprint; applicant must provide documentation this limit has been met prior to building permit being issued, 2) at least 80% of the plant species in the landscape must be listed on the Town's approved plant list and turf areas must be planted with a drought tolerant variety; no turf areas less than 10' in width are allowed, 3) applicant must submit exterior color samples from the Town's approved color palette for DCD verification, 4) details regarding the outdoor lighting plan at building entrances and patio areas must be submitted to DCD prior to building permit being issued, 5) details regarding the height of parking lot and pool area mounted lights must be submitted to DCD prior to building permit being issued; lights are limited to 14' in height and must be set back at least 2-1/2 times the distance of the poles height, 6) basement issue will be determined based on current Town ordinances; the walk-out basement will be allowed to have public access and use, 7) the pond and spring areas be reasonably cleaned and protected for water quality and quantity and wildlife habitat will be maintained; no large equipment shall be used in the cleaning or maintenance of pond or spring areas to eliminate damage, 8) any large HVAC units be sound shielded from residential areas not just visually but with sound-deadening walls or panels to eliminate sound being leaked across property lines, 9) applicant will take necessary steps to protect the development from potential flooding; seconded by Alan Staker.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Ms. West stated she objected to the ambiguity of the basement issue.

Commissioner Marriott re-joined the meeting.

Public Hearing – Design / Development Review: Canyon Land Village, a retail and transient lodging development (4 rental units) located at 1101 Zion Park Boulevard: Mr. Dansie said this development was in the Village Commercial zone and was a combination retail, restaurant and transient lodging facility. He suggested the Commission discuss the following:

- Applicant indicates landscape or natural open space is in excess of 60% however the majority is on the back of the property. This area has been disturbed so currently there are no natural plants. This area needs to be reclaimed to natural state or landscaped in order to meet the 60% provision.
- Mr. Dansie suggested the Commission inquire about lighting placement.
- A color rendering was submitted but no physical samples of color or materials

- The property is adjacent to a residential zone. Commission should discuss measures the applicant can do to mitigate impacts.
- Clarify setbacks have been met.

Mr. Taylor said the development is actually a 6-plex not a 4-plex. There are doors that can be shut to create additional rooms. Parking and other requirements should be calculated for 6 units.

Mr. Dansie noted lodging and restaurant use are conditional uses in the Village Commercial zone so the applicant will need to come back.

Mr. Jeff Mathis was in attendance for the applicant to answer questions. He said the light poles will be 14' and bollards will be used next to walkways.

Jonathan Zambella asked for clarification on the number of units allowed on one acre in Village Commercial. Answer is 10.8 units per acre.

Commission questions: Mr. Taylor asked if they had plans to restore the back area to native conditions. Mr. Mathis said the preferred method was to restore natural vegetation rather than landscape with new.

Mr. Archer asked about screening or privacy fencing as a consideration to the neighbor. Mr. Dansie pointed out the neighbor's property is right on the property line so he recommended a vegetative screen.

- Mr. Pitti expressed concern people would walk through the resident's property and use it as a shortcut. If resident was amenable perhaps a fence be installed.

Mr. Taylor questioned the conditional use permit and whether the motion essentially forced the Commission to approve the permit in the future. Mr. Dansie suggested the Commission make this a condition of the motion and require the applicant come back to secure the permit.

Mr. Mathis agreed to provide physical samples of the colors and materials prior to issuance of the building permit. The curb and gutter will be widened for commercial traffic.

Mr. Taylor asked if construction would be coordinated with UDOT. Mr. Dansie said because access off SR-9 will be altered, the applicant needs to obtain an encroachment permit from UDOT.

Community questions: Lisa Zumpft said in looking at the plans it appeared the building would be positioned down the slope similar to the position of the existing house. Mr. Mathis said they will balance the site and grades will be where they are currently.

Jonathan Zambella asked to see an elevation from SR-9.

Motion made by Mike Marriott to open public hearing; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public comment period: None were made.

Motion made by Jack Archer to close public hearing; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

West: Aye

Pitti: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Mr. Archer said the materials fit in nice with the area. The applicant needs to adhere to conditions the staff recommends.

- Mr. Taylor commented the development fits well with the General Plan vision of small transient lodging opposed to a 114-unit building.
- Mr. Pitti said the retail building architecture will look nice.
- Mr. Marriott said they paid attention to detail and parkitecture elements. It was unclear to him how the back will reclaim native vegetation since it has been a dirt pasture.
 - Mr. Dansie said reclaimed to natural state doesn't mean allow weeds to grow. The developer will need to take some effort to bring back native vegetation.
- Mr. Burns expressed concern about the transom style windows and the amount of light that will spill out from them.

Motion made by Joe Pitti to approve the proposed DDR for the commercial development at 1101 Zion Park Boulevard. The motion is based on the following findings: 1) the project meets the guidelines for the Village Commercial Zone as well as the architectural standards, 2) each building size is less than the maximum size of 5,000 square feet specific to the zone, 3) the proposed buildings meet the setbacks required for the Village Commercial zone, 4) the maximum building height in the Village Commercial zone is 26 feet above grade but both proposed buildings are eligible for the 28 foot building height based on the fact they are four feet lower than the lowest elevation on SR-9, 5) landscape in the Village Commercial zone requires at least 60% of the property be preserved in natural open space or landscape; the applicant's submittal indicates that 62.16% of the property will be retained in natural open space or landscape, 6) color and materials match the Town code, 7) the Village Commercial zone allows one transient lodging unit for every 4,000 square feet of lot area; the site is one acre in size, and thus is allowed 10 transient lodging units; the proposal contains 5 - 7units, 8) 17 parking spaces are required; 22 are provided. Conditions include: 1) at least 60% of the property must be retained in natural open space of landscape; since no area on the property qualifies as natural open space, all areas used to meet the 60% requirement must be landscaped or reclaimed to a natural state with native vegetation, 2) the applicant must provide details on the locations of building mounted lighting, as well as proposed light fixtures to the DCD prior to a building permit being issued, 3) the applicant must provide color and material samples for the buildings and roof to the DCD prior to building permit being issued, 4) the development must be setback at least 20 feet from residentially zoned property as shown on the site lighting plan presented tonight, 5) section 10-11B-13(D) allows the Commission to require a screening wall, fence or vegetative screening to separate a commercial use from adjacent residential uses; the developer will work with neighboring property owners to provide a screening fence or wall to limit impacts of the new commercial use on these residential properties; seconded by Mike Marriott.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Chairman Archer allowed for a five minute recess.

Planning Commission resumed at 7:58pm.

Public Hearing – Modified Design / Development Review: Changes to a previously approved DDR for a remodel of the Bit and Spur restaurant located at 1212 Zion Park Boulevard: Mr. Dansie said the applicant was requesting a modification to a previously approved DDR. The second floor dining terrace will be removed and moved to create a back patio. This lowers the overall building height which is a positive. Outdoor lighting will be shielded under the cover and appears to meet standards.

Alan Jensen asked if the applicant can use all the height regardless of the building footprint. Mr. Dansie said the height limit stays the same regardless of the footprint. Future expansion would be limited by building size more than building height.

Trish Jennings was in attendance to answer questions.

Commission questions: Mr. Taylor asked if the expansion would affect the large, colorful tree in the corner. Ms. Jennings said 'no', the conifer tree would stay as is.

Ms. West asked if the project would officially combine lots 3 and 4. She inquired if the patio would be enclosed. Ms. Jennings said the development does combine the lots however this has not been done yet. As of right now there are no plans to enclose the patio.

- Mr. Dansie noted the maximum building size is 5,000 square feet. Currently the building is 4,110 square feet therefore if the patio is enclosed the applicant could need to verify they stay at or under the maximum building size.

Ms. Jennings indicated the employee housing would remain.

Community questions: None were asked.

Motion made by Jack Archer to open public hearing; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public comment period: Stephen Roth said the Bit and Spur is a perfect example of business that is good for the Town. The property is rural and village scale. They develop the property in a friendly, neighborly, small- town atmosphere way and expand the business only when there is need. The business is authentic and original. They house their employees and take care of their people. They host a number of community events and are always welcoming.

Motion made by Joe Pitti to close public hearing; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Mr. Archer said as long as they adhere to lots 3 and 4 being combined he supported the proposal. If they decide to enclose the patio they will have to come back for consideration and approval.

Mr. Pitti liked the redesign better than the previous. He echoed the sentiments of Mr. Roth and said they are a great asset to the community.

Mr. Marriott said it was an improved design and meets the requirements.

Motion made by Randy Taylor to approve the modified DDR at 1212 Zion Park Boulevard, the Bit and Spur restaurant. The application conforms with building size, setbacks, height, landscaping, illumination, colors and materials and parking is adequate; Conditions include: 1) if the outdoor dining terrace is enclosed the applicant must return to the Planning Commission for consideration, 2) lots 3 and 4 of the Bit and Spur subdivision be officially combined at the Washington County Recorder's Office; seconded by Jack Archer.

Taylor: Aye
Archer: Aye
Pitti: Aye
West: Aye
Marriott: Aye
Motion passed unanimously.

Design / Development Review: Addition of a laundry building at the La Quinta Inn located at 792 Zion Park Boulevard: Mr. Dansie said the Commission expressed concern about the large, long expanse of wall and roof during the last review. The applicant has added a covered front entry to break this up. With this change there is a slight landscape reduction however the property is still in compliance with the landscape provision requirements.

Jonathan Zambella was in attendance to represent Mr. Stewart Ferber. Mr. Zambella noted the current breakfast room was being moved out of the lobby building into this new building.

- Ms. West asked if the change in building use was an issue. Mr. Dansie said both uses were permissible. Also a breakfast bar probably wouldn't be classified as a restaurant since it served hotel guests. If it becomes a full-service restaurant than the property owner would need a conditional use permit.

The Commissioners agreed the changes break up the roof line and wall much better.

Motion made by Joe Pitti to approve the DDR for the breakfast building at La Quinta Inn, 792 Zion Park Boulevard based on findings the building meets setbacks, building size, building height, lighting, landscape, color and materials and parking requirements for the Central Commercial zone. Conditions include: 1) conference building and additional 24-unit hotel building shown on site plan require separate approvals; seconded by Liz West.

Taylor: Aye
Archer: Aye
Pitti: Aye
West: Aye
Marriott: Aye
Motion passed unanimously.

Consent Agenda

Motion made by Mike Marriott to approve the consent agenda and minutes from June 16th and July 7th; seconded by Randy Taylor.

Taylor: Aye
Archer: Aye
Pitti: Aye
West: Aye
Marriott: Aye
Motion passed unanimously.

Motion to adjourn at 8:18pm made by Joe Pitti; seconded by Mike Marriott.

Taylor: Aye
Archer: Aye
Pitti: Aye
West: Aye
Marriott: Aye
Motion passed unanimously.



Darci Carlson, Town Clerk

