

ISSUE

Glacier Investments – Requests Site Plan approval for Holiday Inn Express to be located at 3851 Thanksgiving Way in an existing Commercial zone.

BACKGROUND

Location:	3851 N Thanksgiving Way		
Existing zoning:	Commercial		
General Plan Designation:	Commercial		
Existing Land Use:	Lone Peak Trailer Sales		
Surrounding Zoning and Land Use:	<i>North:</i>	I-15	I-15
	<i>East:</i>	Commercial	Retail/restaurant
	<i>South:</i>	Resort Community	Office
	<i>West:</i>	R-2/R-3	Single family residential
Date of Last DRC Review:	December 2, 2015		

HISTORY

July 30, 1999 – Alan Gillman 2 Annexation – This annexation included the subject property.

July 9, 2015 – The Planning Commission approved a concept plan for Holiday Inn and made the following motion:

Scott Dean moved to approve Robert Gray’s request for Concept Plan approval for Holiday Inn Express & Suites located at 3851 Thanksgiving Way in an existing Commercial zone to include the DRC comments also the architectural renderings that were presented on July 9th on this subject and to include representation by the applicant that the landscaping along the western boundary will include the Austrian Pines of a minimum of installation a height of 8-10 feet and that the maintenance on the western boundary will be a continuous effort on the part of the owner to keep vegetation growing and properly screening to the best it’s capable of; that there will be no dumpsters located along the western property line and that the other expressions given by the applicant relative to the architectural quality and representations that they meet prior concerns issued by the DRC and Planning Commission from the July 9th meeting be adhered to and that this application is being moved forward and approved with the express understanding that the current code requirement gives the applicant certain inherent rights for development in accordance with their plan that has met, in all substantial ways, the requirements of the code; add that the spacing of the trees to be 20 feet on center; and that they need to be very careful with how they control the lighting to direct lighting away from the residential area. Second by Jared Peterson. Motion carried 6-1 with Janys Hutchings opposed.

ANALYSIS

The applicant is requesting site plan approval for Holiday Inn Express to be located at 3851 North Thanksgiving Way in an existing Commercial zone. The Development Code classifies hotels as a permitted use in the Commercial zone but this item requires approval by the Planning Commission since the valuation is less than \$500,000. This project received concept plan approval which required several items to be included on the site plan. The Planning Commission included several items in their motion to approve the concept plan (see motion above) that should be addressed with the site plan. One item not addressed in the motion but was shown on the approved concept is that 50% of the frontage along public roads must have building frontage in order to allow the exception of setting the hotel back away from the road with parking in front. The approval of this site plan locks in the 50% frontage

requirement for the future buildings.

Included with this submittal are two potential options for the realignment of Thanksgiving Way that UDOT has proposed that may move the road closer to the proposed hotel in the future. Each option would work with the proposed layout and not affect the placement as proposed.

The proposed hotel will have 96 rooms and approximately 60,000 square feet of total floor area. Landscape is shown at 25% which meets the 10% landscape requirement of the Commercial zone. There are 99 parking stalls shown on site which meets the parking requirement of 1 stall per guest room and 1 stall per employee. Bike parking must be addressed and is required at 5% of the required number of parking stalls.

The proposed building elevations show the use of stone, fiber cement, and EIFS for exterior materials. EIFS may only be allowed up to 49% of the total wall area excluding the windows and doors. The plan shows a total of 40.9% use of EIFS for the entire building but each elevation must meet the 51% hard surface materials requirement and the applicant must show that this is met for each façade. The proposed architectural variations include pop-outs, pop-ups on the roofline, awnings, and some cantilevering roofs placed above the pop-outs. The updated building elevations seem to meet the architectural variations requirement and address some of the DRC concerns including the architectural variations to be provided every 30'-50' and that the roof line elements tie into the Lone Peak Retail buildings.

The DRC made the following comments: Only 0.2 footcandle spillover is allowed across the property line which will require the plan to be adjusted to meet this requirement. Consider LED lighting to help control the light spill over. The maximum height of the light poles is 20 feet to the top of the light which will require the poles to be slightly lowered. Suggest looking at window treatments on the west façade windows to help increase the privacy of the adjacent homes. Provide a calculation showing that the amount of landscaping and the width of the buffer meets the requirements of Section 12.080 of the Development Code. Please consider other DRC comments as part of the motion.

RECOMMENDATIONS

Planning Commission reviewed this request on January 14, 2016 and made the following recommendation:

Commissioner Hemmert moved to grant final approve of the site plan for the Holiday Inn Express to be located at 3851 Thanksgiving Way in an existing Commercial zone; including all DRC comments; based on the finding of fact that this conforms with the code; and apply section 11.25.0 of the code in that the Commission would like the City Council to review this item for final approval; also, included in the packet to the Council would be the letters from residents and Commissioner Dean's suggestions. Commissioner Dean seconded the motion.

Motion passed, with 2 opposing from Commissioner Peterson and Commissioner Barnes.

Minutes from the Planning Commission meeting are as follows:

Mr. West stated that this is a proposed hotel where Lone Peak Trailers was located. He said that a concept plan was approved by the Planning Commission on July 9th of last year, and that it is a permitted use in the development code. He said that UDOT submitted a potential realignment of Thanksgiving Way.

Mr. West stated that the Planning Commission needs to determine if the landscaping buffer meets the requirements of the code. He said that a six foot fence is required, but that there is already one on site.

Chair Roll asked staff if the applicant has met the requirements of the code. Mr. West stated that they needed to make sure that the landscaping buffer is in compliance.

Commissioner Barnes asked if the applicant is required to plant mature trees. Mr. West stated that the pines must be at least 6 feet high and the deciduous must have a 2 inch caliber. Mr. Struthers stated that larger trees that are planted have a lower survival rate and they may grow slower.

Commissioner Dean inquired about the buffer requirement. Mr. West stated that the applicant appears to meet the required landscaping height, but that the spacing may need to be addressed. Commissioner Dean inquired if there is some subjective nature to the requirements that could still be discussed.

Commissioner Peterson inquired about when UDOT would determine the exact adjustment to Thanksgiving Way. Mr. Dinsdale stated that it depends on the funding, but maybe within a year they will know more. He said it's likely that the road will be realigned and that it is helpful for the building to be set further back from the current road, so that it doesn't interfere with UDOT's potential realignment.

Commissioner Barnes stated that it may help alleviate some of the home owners concerns by bringing the building closer to the road.

Bruce Beard, representing the applicant, addressed the Commission and stated that a revised site plan was submitted that shows that the gaps in the trees were corrected. He stated that the landscaping sizing requirements in the code are optimal and standard.

Mr. Beard explained that if specific standards are met, then the other language in the code is not a sufficient basis for denial. He said this complies in every way with the city's code, and even exceeds the requirements in many cases.

Commissioner Dean inquired about the remaining outparcels if the road is realigned. Mr. Beard replied that he is not sure what those would be used for at this point.

Mr. Beard stated that they investigated several options to change the orientation of the building, and it was not possible.

Chair Roll stated that if this item meets the code, then it needs to be approved. He said that they can't speculate on things that do not pertain to the issue.

Commissioner Dean presented some options that he believes would help alleviate some of the privacy issues, one of which included a possible retaining wall.

Mr. Beard expressed concerns with the retaining wall. He stated that the applicant will do everything they can within reason to alleviate concerns.

Chair Roll believes that the Commission is constrained by the code to approve this item. He said that according to code, with an approval of a site plan, the Commission may forward an item to the Council if the Commission believes that it may have a significant impact on the community. He said that because of this, he believes it is best to send this item to the City Council for a public hearing and for their final say on the issue. He feels that this is the best way to balance the concerns of the public with the rights of the applicant.

The suggested motion would include the DRC comments and Planning Commission recommendations.

**Holiday Inn Express Site Plan
DRC Redline Comments**

Glacier Investments – Requests Site Plan review for Holiday Inn Express to be located at 3851 Thanksgiving Way in an existing Commercial zone.

DRC Members Present: Brent Thomas, Kerry Evans, Greg Allred, Todd Munger, Kim Struthers, Gary Smith, Mike Howell, Ross Dinsdale, Steve Marchbanks

Representatives of the Applicant Present: Todd Gardner and John Gray

Date of Plans Reviewed: 11/25/15

Time Start: 3:00 PM

Time End: 3:30 PM

DRC REDLINE COMMENTS:

Brent – Power:

1. From the junction box, show a 6” conduit stub to the south property line.

Kerry – Fire: No comments

Greg – Water/Sewer:

2. Keyed note K, E and R - label as hot tap tees.
3. On all 4 fire hydrants show a valve at the tee. Pull the fire hydrants away from the curb line.
4. Label the sewer lateral as “private”. Change the note on the profile to indicate it as an 8”. Recommend UDOT spec flow fill over the sewer lateral instead of concrete encasing.

Todd – Public Works: No comments

Kim – Planning:

5. Provide a calculation showing that the amount of landscaping and the width of the buffer meets the requirements from Chapter 12. Additional intermediate shrubs should be shown to meet the buffer requirement.
6. Suggest looking at the windows on the west side of the building to see if there are any window treatments that can be done to increase privacy to the adjacent residential properties
7. On the lighting plan, maximum height of the light poles is 20 feet to the top of light – lower poles to meet standard.
8. Only 0.2 foot candle spillover is allowed at the property line – adjust to meet standard. Consider LED lighting to help control light spillover.
9. On the building elevations, a maximum of 49% of the building materials can be EIFS (not counting windows, doors, and other entrances). This standard must be met independently on all 4 sides of the building. Also assure that wall variations spaced at 30-50 feet are met. Recommend earth tone paint colors that tie into the existing development instead of the bright orange. Must tie in the roof line elements of the existing Lone Peak retail buildings into the design of this building in order to meet the Commercial Design Standards.

Gary – Building/Inspections: No comments

Mike – Public Works: No comments

Ross – Engineering:

10. On the 8” PI line - provide a 20’ easement.

Steve – Parks: No problems

PRIOR TO PRECONSTRUCTION MEETING:

1. Provide an engineer’s cost estimate for the cost of all improvements.
2. Escrow or Letter of Credit Bond Agreement and Public/Private Improvement Agreement for all public and private improvements must be in place.
3. Provide a title report to be reviewed by Lehi City Attorney.
4. Need surveyor’s and engineer’s stamps on construction drawings.
5. New project startup form for Lehi City Storm Water
6. Written and recorded easement over the 8” PI/hydrant line
7. Written and recorded 10-foot PUE on the frontage of the property if there isn’t one already recorded
8. Comments from Planning Commission approval

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.

DRC GENERAL COMMENTS:

1. On the power, developer will install conduit; Lehi City Power will install all other required power infrastructure shown on the plans and charge the developer for the costs. These costs are separate from power impact fees that are paid with the building permit.
2. Developer is responsible to purchase, move or remove any existing RMP facilities.
3. Developer is responsible to furnish adequate rights of way or easements for construction of off-site power line extensions.
4. Once approved by the Planning Commission or City Council (whichever is applicable) plans may be submitted for check-off. Check-off plans consist of one 24x36 set of plans submitted to the Planning Department. When changes need to be made to a check-off set, revise the affected sheets only. Each new submittal will require a revision date on each new sheet.
5. Prior to the pre-construction meeting, Lehi City Staff will make copies of plans for the meeting from the check-off set and the developer will pay fees for the copies.
6. The approval of a development shall be effective for a period of two (2) years from the date the development is approved by the Planning Commission.
7. Signage will be approved through a separate application and review/approval process. Lot size is not large enough to allow for a pylon sign.
8. UDOT has plans to realign Thanksgiving Way and widen I-15 which could impact the proposed site plan.
9. Suggest providing architectural cross section view that includes the existing homes, fence, trees, building and grade differences.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION JANUARY 14, 2016

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



***Legal Services
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ATTORNEY-CLIENT MEMORANDUM

To: Lehi City Planning Department, Lehi City Planning Commission
From: Morgan L. Cummings, Assistant City Attorney
Re: Vested Approval Rights vs. Compelling, Countervailing Public Interests
Date: July 27, 2015

There has been some correspondence and question recently regarding an applicant's right to have a land use application approved, as well as the ability to deny an application in light of a jeopardized "compelling, countervailing public interest." Not all of the correspondence that I have seen has been legally accurate, so I thought I would provide this legal analysis to help clarify some issues.

Vested Rights:

Under our State law, a land use applicant has a vested right to have its application approved if it complies with applicable City land use ordinances (i.e., the Lehi City Development Code). Specifically:

"an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning map, a municipal specification for public improvements applicable to a subdivision or development, and an applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid."¹

This statutory language came about after the Utah Supreme Court addressed the issue, and held that "an applicant for subdivision approval or a building permit is entitled to favorable action if the application conforms to the zoning ordinance in effect at the time of the application."² This ruling, as well as the aforementioned statutory language, removes the Planning Commission's discretionary authority in situations where an applicant's proposed land use complies with the City's Development Code.

¹ Utah Code Ann. § 10-9a-509(1)(a)(ii).

² *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388, 391 (Utah 1980).



Exceptions:

The Utah Supreme Court noted that there would be rare and unique circumstances where the need to deny an applicant's land use application would outweigh that applicant's vested rights in having the application approved.³ Based upon the Court's holding, there are only two narrow exceptions which have been codified in State law.

First, the Planning Commission may deny an application if changes to the Development Code are pending which would prohibit the land use applied for.⁴

Second, and more relevant to the correspondence that I have seen recently, the Planning Commission may deny an application if it finds on the record "that a compelling, countervailing public interest would be jeopardized by approving the application."⁵

Defining a "Compelling, Countervailing Public Interest":

While the term "compelling, countervailing public interest" is not defined by statute, the Utah Supreme Court provided some guidance as to what should be considered a "compelling, countervailing public interest" strong enough to override a land use applicant's vested right to have its application approved.⁶

First, the Utah Supreme Court suggested that the proposed land use must "*seriously* threaten[] public health, safety, or welfare"⁷ before an applicant's vested approval rights can be disregarded. Consequently, if the problem raised by the vested land use application is not a "serious" problem, the application must be approved.

Second, the land use application must present the aforementioned serious problem for the first time.⁸ Therefore, if this serious problem existed prior to the Planning Commission's consideration of the land use application, the "compelling, countervailing public interest" exception cannot deprive the applicant of its vested approval rights.

Third, if any other permitted use of the subject property would also cause the same serious problem as the one raised in a vested land use application, the "compelling, countervailing public interest" exception is inapplicable.⁹

³ *See, Id.*

⁴ *See, Utah Code Ann. § 10-9a-509(1)(a)(ii)(B). See also, Western Land Equities, supra.*

⁵ *Utah Code Ann. § 10-9a-509(1)(a)(ii)(A). See also, Western Land Equities, supra.*

⁶ **As a side note, I have found only one instance where a public interest has been compelling enough to override a land use applicant's vested rights to have its application approved. *See, Mouty v. The Sandy City Recorder, 122 P.3d 521, 2005 UT 41.***

⁷ *Western Land Equities* at 395 (emphasis added).

⁸ *Id.* at 396. ("There may be instances when an application would *for the first time* draw attention to a serious problem that calls for an immediate amendment to a zoning ordinance...") (emphasis added).

⁹ *Id.* (... "it does not appear the problem would be any less serious if the unarguably-permitted manufacturing facilities were erected instead of single-family houses.").



Fourth, a land use applicant's vested approval rights may only be disregarded if the serious problem can't be resolved or mitigated through the City's current land use ordinances, such as traffic studies, infrastructure improvements, etc.¹⁰ Consequently, if any provision within the City's Development Code would help to mitigate the serious problem, the application must be approved.

Based upon the foregoing, the Planning Commission may have reasonable, legitimate, and justifiable concerns about a specific land use application. However, this is not enough to deny an applicant's land use application. Rather, denial is appropriate only when the Planning Commission can find on the record – according to the foregoing guidelines – that there is a compelling, countervailing public interest that outweighs an applicant's vested approval rights.

Hopefully the foregoing is helpful as you continue to consider various land use applications in your roles as Planning Commission members.

Respectfully,

Morgan L. Cummings
Assistant City Attorney

¹⁰ *Id.*

Holiday Inn Express Hotel Dispute

Let me introduce myself. My name is Chris Whitchurch, I reside with my wife and two boys adjacent to the commercial lot at 3764 N Meadow Springs Lane, Lehi, where there was a recent proposal to build a Holiday Inn Express.

I wanted to take a moment and thank you for understanding our concerns.

In reviewing the municipal codes for Lehi City, I noticed the following candidates for concern in lieu of the Holiday Inn Express being built adjacent to our homes and family, and don't believe these items were considered.

http://www.sterlingcodifiers.com/codebook/getBookData.php?chapter_id=41648#s378663

Chapter 8.20.030 A:

3) a. Annoys, injures, or *endangers the comfort, repose, health, or safety of three (3) or more persons*;

The Holiday Inn and its patrons post considerable concern for the health and safety for our families, both parents and children.

- **Hours of operation:** concerns of patrons coming and going during non-waking hours; encourage the disruption of safety, both emotional and physical.

- **Hotel Elevation:** Family homes adjacent to the commercial lot, where Holiday Inn anticipates building, will deliver a loss in privacy and safety.

An increase of patrons coming and going during all hours increases the likelihood that patrons will see outside of their hotel windows and into our homes and yards, posing *concerns and questions around the safety of our children*.

I.e. can our children play in our back yards without considerable risk, and will we need to keep our blinds closed all of the time in concern for onlookers?

http://www.sterlingcodifiers.com/codebook/getBookData.php?chapter_id=41650#s378685

Chapter 8.28.010 C:

1. Improperly muffled vehicle engines, when the same are rapidly accelerated or decelerated, *and especially during such hours that they are likely to interfere with the sleep or peaceful calm of residential neighborhoods*.

It is anticipated that the Holiday Inn will operate outside of traditional waking hours, those traveling to and from their place of business are likely to cause consistent disruption to sleep for parents and children in our community.

Please let me know what stipulations occur after assessing these apparent violations to Lehi City regulations, or who I can talk to directly assess the concerns listed above.

Sincerely, Chris Whitchurch

Lehi Planning Commission
In regards to the Holiday Inn Express Hotel Dispute
Opposition Letter

My name is Hayley Dye. I live at 3716 Meadow Springs Lane in Lehi with my husband and three children. Our house is right behind where they have proposed to build the Holiday Inn Express Hotel. I want to thank you for taking your time to read my letter.

I have so many thoughts and feelings about this hotel and it breaks my heart that they even have thought that it is an option to place a 4 story hotel behind residents. I have never seen a hotel that backs up to homes. My concerns are endless.

First concern is the SAFETY of my children. Will they be able to play outside? Who is going to be watching them? There is no way that the hotel can monitor who is staying at their hotel. They cannot keep out predators and criminals looking for easy access to my children or my home. Who is watching when I leave my house and my schedule to know how long I will be gone. It would be so easy for them to hop over the 6' fence and break into my home. At any given time people looking out the hotel windows will be able to see right into my home. I cannot stress the safety issue enough!!!

I have concerns for the noise that will be coming from the hotel all hours of the day and night. You will have car alarms, doors shutting and people talking all the time especially at night when that is when most people check into hotels. The Hotel will not be able to control the noise.

The extra traffic that will be coming from that development will add to the already busting roads. It took me a half an hour to get from my house to the freeway tonight at 5:15. It should only take me 2 minutes tops.

The fence that is currently built to separate us from the hotel is 6'. My 8 year old can climb over the fence and get back over it. It will not stop people from hopping over into our yards if they really want to.

The hotel has done nothing with our concerns as residents to build an addition to the 6' fence or to put privacy barriers on the windows. Their solution is to add trees that will take years to mature and to move the hotel a few extra feet away from the fence, but that only puts the hotel higher so that people staying at the hotel can see more into my house and backyard!

I hope that you will take into consideration the people that are going to have to live with this hotel in their backyard if this proposal goes forward. It is a huge safety issue for these children as well as adults that will be subject to having this hotel built behind them.

Thank you
Hayley Dye
hhedye@gmail.com
801.722.9469

Planning Commission
In Reference to the Holiday Inn Express Hotel Dispute
Opposition Letter

Thank you for taking the time to read my letter. My name is Melanie Platt. I live at 3732 N Meadow Springs Lane in Lehi, just adjacent to the commercial lot where there is proposal to build a Holiday Inn Express.

Thank you for taking the time to hear my concerns. I hope it will help you better understand where we as residents are coming from.

I was truly saddened at the last meeting in September when the concept plan was approved. I have spent a lot of time reading over the minutes from the meeting in July and the meeting in September. I feel that the safety of our families is not being taken into account with much priority.

At the meeting on July 9th, safety was a huge concern. In fact, it was the reason that the item was tabled for 30 days. Several quotes from the meeting in July are included below:

“Donna Barnes said even though this is a permitted use she is aware that they stopped another hotel from being built by the elementary school.”

“Kim Struthers said there is some subjectivity in the code – there are other ways it can work. They’ve had arguments against it.”- in reference to the city frontage requirements and the location of the building.

“Donna Barnes moved to deny Robert Gray’s request for Concept Plan for Holiday Inn Express & Suites located at 3851 Thanksgiving Way in an existing Commercial zone because of the finding that it is injurious to the health, safety and welfare of the citizens of the community. Second by Paige Albrecht.”

Motion:

“Scott Dean moved to table Robert Gray’s request for Concept Plan for Holiday Inn Express & Suites located at 3851 Thanksgiving Way in an existing Commercial zone for approximately 30 days for some suggested events that the site plan can be rethought and oriented east-west rather than north-south or located away from the residential area to help mitigate some of the impact to the residential and with the findings that THE CURRENT PLAN DOES NOT meet the standard for safe guarding the health, safety and welfare of the City. Second by Paige Albrecht. Motion carried unanimous.”

One can imagine my surprise when, at the September 24th meeting, the concept plan was approved unanimously. The same concept plan that was denied because of being injurious to the safety of the citizens in the community, at the July Meeting. No mention of safety was given in the motion in September:

“Kim Struthers said that they had met four other times and they have looked at multiple arrangements. As far as the applicant is concerned this is what they would want approved. He said there is buffering between the residential area and the hotel. The buffer does allow for

some of that to be parking and access isles. The taller the building the more space needs to be between the residential and this.”

“Scott Dean said that he appreciates that they are back with this and asked staff if we are in a situation that we will have to do something we don’t want to do because of the code.”

Motion

“Scott Dean moved to approve Robert Gray’s request for Concept Plan approval for Holiday Inn Express & Suites located at 3851 Thanksgiving Way in an existing Commercial zone to include the DRC comments also the architectural renderings that were presented on July 9th on this subject and to include representation by the applicant that the landscaping along the western boundary will include the Austrian Pines of a minimum of installation a height of 8-10 feet and that the maintenance on the western boundary will be a continuous effort on the part of the owner to keep vegetation growing and properly screening to the best it’s capable of; that there will be no dumpsters located along the western property line and that the other expressions given by the applicant relative to the architectural quality and representations that they meet prior concerns issued by the DRC and Planning Commission from the July 9th meeting be adhered to and that this application is being moved forward and approved with the express understanding that the current code requirement gives the applicant certain inherent rights for development in accordance with their plan that has met, in all substantial ways, the requirements of the code; add that the spacing of the trees to be 20 feet on center; and that they need to be very careful with how they control the lighting to direct lighting away from the residential area. Second by Jared Peterson. Motion carried 6-1 with Janys Hutchings opposed.”

It seems that because the applicants lawyer was present, that there was a fear of a lawsuit if the application for concept plan was not approved.

I understand that they meet code. I understand that everything they are doing is legal. But its not safe. It’s an inappropriate use even if it is a permitted use, because it is not safe for our children. I lose sleep thinking about this every night.

We just moved into our home in May of 2015, we love our home. We moved to Lehi because we are excited about the development in our area. I’m not opposed to development in my backyard, not at all! I’m opposed to a hotel where it’s inhabitants are not monitored in any way and can look right into my backyard at any hour of the day or night. I’m truly truly concerned about this.

I beg you to ask yourselves if this is truly a safe use of the commercial zone, not a permitted use, but a safe one. Safety of my children is of utmost importance to me.

In 2007, a hotel tried to build next to Fox Hollow Elementary. They were within their rights and it was a conditional use of the zoning. Therefore the city had some say in what they needed to do to provide safety for the children in the nearby school. Because this is permitted use, they don’t have to do anything they don’t want to do (outside of the code) to provide safety for our children. And they have shown no interest in working with us to try to provide more safety if this goes forward.

We have tried to meet with the hotel applicants. Dan Schmidt arranged a meeting for us all to meet and discuss our concerns and the hotel applicants made no effort to have anyone there.

We shared our concerns and request for further safety measures with Dan Schmidt and he said they would pass the concerns on to the hotel applicants but that they didn't have to do anything beyond what was required because it was permitted use.

I beg of you to reconsider a hotel as a permitted use in a commercial zone, perhaps consider changing it for the future to be conditional when it backs residences. Save some other families the hurt that we are facing right now.

I feel desperate to oppose the hotel in every way possible. But I also feel defeated. Because I don't have 10k to 20k for lawyer fees, we don't have the ability to fight this legally. Because I don't have as much money as I need, I can't keep my children safe. I think that's the job of the planning commission. Yes its permitted use, yes its all within code, but it is not a appropriate, safe use of the land because there is safety of children at risk.

I know that this will probably go forward despite the major safety concerns. I would request that you strongly encourage the hotel applicants to work with us in providing additional safety. In the form of:

An extension on the concrete wall that will separate us from the hotel (its currently 6 feet tall and we do not feel that is adequate in keeping people from getting into our backyards.) We would ask that it be extended to 10 feet.

The hotel applicants are planning to put Austrian pines in the landscape buffer. These will start out at 8-10 feet. In order to create privacy from every level of the 4 story hotel, they would need to be at least 50 feet high. They only grow 1 1/2 feet a year. So my backyard won't be shielded from view for about 26 years. My children will be grown and gone by then. What is providing my children with privacy now???? Only these 8 foot tall trees. Which considering the elevation of the building, own't do anything at all.

We would request that mature trees be brought in, that have a much denser top than bottom. Pines are great, but they kind of peak at the top, where we need coverage the most. We request different trees that provide more coverage at the top.

We request privacy windows in the room facing the adjacent homes. Frosted glass or alternate ways of creating privacy would be so helpful in providing safety for our homes and children.

We request security cameras being installed in the parking lot between our homes and the hotel. So that if we do have crimes committed, we can know who and when.

We were told by Paige Albrecht at the previous meeting that we would have a public hearing on this matter and recently found out that is incorrect since it is permitted use. We would greatly appreciate if the Planning Commission would grant us a few minutes at the meeting on January 14th to share our concerns and be heard.

Thank you for your time.
Melanie Platt

From: Melanie Platt [<mailto:mlay07@gmail.com>]
Sent: Wednesday, January 6, 2016 10:39 PM
To: Kim Struthers <kstruthers@lehi-ut.gov>
Subject: Fwd: Hotel opposition letter

Oops, one more just came in.

Begin forwarded message:

From: erin rossel <erinkayb@hotmail.com>
Subject: Hotel opposition letter
Date: January 6, 2016 at 10:35:42 PM MST
To: <mlay07@gmail.com>

To Whom it may Concern: Lehi planning commission,

I am a seriously concerned resident in the Lehi Thanksgiving Meadows subdivision who lives near a plot of land that has been approved for a Hotel. Namely a Holiday Inn Express. As a mother of four young daughters this concerns me greatly. To have people from all different backgrounds and walks of life from around the world be able to view my daughters at play from their windows concerns me greatly and frankly scares me. With the demographic of dozens of business's around this area it is pretty much a guarantee that most of the occupants of this hotel will be single people (not family vacationers) and probably be single males. Not much else needs to be said why this is frightening to most of us parents in our neighborhood. Many statistics could also be said about the amount of young girls that are victimized but you get my point.

In addition to the safety implications of our children I am greatly concerned about the traffic and the hazards of adding MORE large businesses and buildings to the area. You can imagine the change we've seen as we've lived here the last three years. SOMETHING has to be done! It is crazy town over here!

Please help us out and be on the side of citizens and less on the side of "the bottom line"

Sincerely a very concerned resident,

Erin Rossel
3351 Desert Merigold Way
lehi, ut

Lehi City Planning Commission
99 W Main St #100
Lehi, UT 84043

OBJECTION to HOLIDAY INN EXPRESS

Dear Lehi City Planning Commission (LCPC),

I live in the community adjacent to the proposed development site and am writing to ask that LCPC refuse this planning application from Holiday Inn Express.

Herein are our comments and objections relating to this planning application:

Placing a large-scale hotel at the proposed site will have an extensive negative impact on traffic congestion in an already struggling section of the city. Simply stated the roadways in the area *cannot* accommodate a development project of this scale. This not only impacts my community but several other offices and businesses in the area.

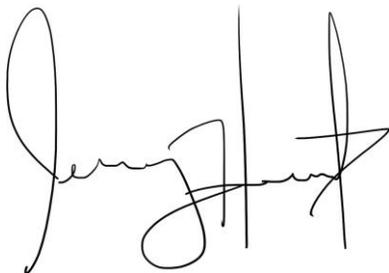
The Holiday Inn Express will overlook neighboring single family residences; this will lead to a loss of privacy and will certainly impact the peaceful enjoyment of the East end of our community.

The Holiday Inn Express will bring unwanted and unnecessary noise and activity to the area at all times of the day and night.

Therefore, we ask that LCPC refuse this planning application and encourage Holiday Inn Express to resubmit a building design at a different location; one which is less intrusive and more sensitive to the character of the community.

Should you require any additional information, clarification of any comments made, do not hesitate to contact me at (801) 979-8586.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Heintz', with a stylized, cursive script.

Jeremy Heintz

Todd Gardner

From: Greg Turner <greg@kcarchitecture.com>
Sent: Tuesday, November 24, 2015 8:56 AM
To: Todd Gardner
Subject: DRC Comments

13. We have provided a landscape buffer consisting of large coniferous trees, shrubs and bushes additional we have gone above and beyond Lehi city ordinance regarding building height and distance from adjacent residential property line. To block the views from half of the hotel guestrooms would put the business at a significant economic disadvantage. We also have safety concerns regarding emergency rescue in the event of a fire, occupants need to be able to see out of guestroom room windows for rescue. We feel this is a bad idea and is an unfair burden put on the property owner.

Regarding slanted roofs on hotel towers:

We feel this idea is inconsistent with style of the building and the franchise identity, it also represents an unnecessary cost to the owner. Unless Lehi city has an ordinance requiring us to do so we will not be including these elements in the design.

Greg Turner

Campbell & Associates Architects
46 N 200 E St. George Utah 84770
(435) 628-5969 ph
(435) 628-5975 fax

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November 3, 2015

Design Review Committee and Staff
Planning & Development Services
Lehi City

Re: Lehi Holiday Inn Express
Campbell & Associates Project Number 14041

SUB: Concept Review Application

Dear Members of the Design Review Committee and Staff:

Campbell & Associates Architects is pleased to submit the accompanying applications on behalf of Robert Gray of Glacier Investments Lehi, LLC. We propose a new Holiday Inn Express hotel at the address of 3851 Thanksgiving Way, Lehi, Utah 84043. The subject property is 2.16 acres in size and is located near the Thanksgiving Point. The property is currently zoned for commercial. The parcel is vacant and has minor improvements.

The proposed development consists of a four-story, hotel structure approximately 60,000 square feet. The ground floor level includes a lobby, management and reception area. We are providing 99 parking stalls. The hotel encompasses 96 guest rooms as well as an indoor pool.

The building exterior will include a variety of planes and materials in the façade, which serve to divide the large façade areas into smaller sections. The exterior materials, including a mixture of decorative stucco in varying colors and stone.

Thank you for your consideration of this proposed hotel. We look forward to working with you on this project.

Sincerely,

Greg Turner, A.I.T.
Designer

