



## STAFF REPORT

**DATE:** June 5, 2024  
**TO:** The Planning Commission  
**FROM:** Clinton Spencer, AICP, Planning Manager  
**SUBJECT:** Consideration of a Conditional Use Permit for a Holiday Inn Express at 5141 W Denali Park Drive in the C-2 Commercial Zone and the Anthem Commercial Master Development Agreement.  
**Applicant:** Ben Smith (authorized agent)  
**Acres:** ±2.59  
**File Number:** C2024-044

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### RECOMMENDATION:

Staff recommends the Commission approve the following findings:

- Subject to compliance with staff recommendations, the proposed amendment complies with the following:
  - a. Conditional Use standards;
  - b. All other zoning ordinance requirements; and
  - c. The Anthem Commercial Master Development Agreement (MDA).

Staff recommends *approval* of the Conditional Use for Holiday Inn Express at Anthem Commercial at 5141 W Denali Park Drive in the C-2 Commercial Zone with the following requirements:

1. Applicant receives and agrees to all required corrections and standards of the City.
2. Applicant revises the proposed landscape plan with the following:
  - a. *Recommend* amending the gravel specification from 2" - 3" size rocks to 1½"-minus size rocks to improve accessibility and maintenance.
  - b. Limit revisions and modifications to the final landscape plan and construction documents to the Landscape Architect who designed and stamped the plans as required by City Code.
3. As per City Code 10-12-6(C)(10), applicant shall screen all utilities from public view by:
  - a. Recessing utilities into the building wall and painting to match the building;
  - b. Constructing screen walls compatible with building architecture and materials; or
  - c. Installing landscape screening that complements site design.
4. No site plan revisions, building elevations, or exterior building material substitutions shall be allowed without prior approval of the Planning Department or Planning Commission.

**ISSUE BEFORE COMMISSION:**

Based on the enclosed findings and conditions, should the Planning Commission approve the proposed Conditional Use?

If approved by the Planning Commission (with required conditions), the applicant will continue working with staff to make all necessary corrections before any permits are issued.

**BACKGROUND & SUMMARY:**

The applicant is requesting to construct a ninety (90) room hotel. The height of the proposed structure is fifty-seven (57) feet, and the exterior will be finished with stucco as the main material, with some rock and masonry elements, and a porte-cochère for loading and unloading at the building’s main entrance. In addition to the rooms and other private amenities (i.e., pool, exercise room, etc.) typically associated with the proposed hotel brand, the hotel will construct an outside dining patio.

The site also includes ample parking for the proposed use and access from the hotel to a future parkway trail on the north side of Midas Creek. A total of twenty-seven (27%) percent of the site will be landscaped, which includes the planting of sixty-one (61) new trees.



**DISCUSSION:**

**ENGINEERING REVIEW**

*Staff Finding: The Engineering Department has reviewed the proposed site plan and had no significant concerns. Any remaining minor issues can be addressed during the final Engineering and Building Permit review process.*

### **CONDITIONAL USE REVIEW (STANDARDS FROM 10-5-11.E.1):**

Per 10-12-5.C.2 of the City Code, any development in the C-2 Commercial Zone over one (1) acre in size requires conditional use approval and is subject to compliance with the “Approval Standards” listed in 10-5-11(E), which have been summarized and reviewed below:

#### **Consistent with the applicable objectives, goals, and policies of the General Plan**

***Staff Finding:** The Future Land Use (FLU) Map in the adopted General Plan designates the subject property as General Retail, consistent with the current zoning classification of C-2 Commercial.*

*According to the General Plan, the objective of the General Retail land use category is:*

*[General Retail] areas represent the more conventional suburban commercial types of uses and are strategically located to be supported by transportation networks, employment and education campuses, and nearby residential neighborhoods. Predominantly used along the Mountain View Corridor and future intersections of major roadways in the north, south, and eastern sections of the City. Locating these areas near or integrated with services, amenities, and employment opportunities helps to further reduce the impacts on the transportation infrastructure. (Herriman General Plan, FLU-28)*

*Whereas the proposed use is consistent with the stated purpose of the General Retail designation, and the General Plan states that the C-2 Zone is consistent with the Future Land Use Map designation of General Retail, the proposal is consistent with the General Plan.*

**The proposed conditional use and associated plans include substantial mitigation of reasonably anticipated detrimental effects arising from the conditional use, including, but not limited to:**

- a) Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.**

***Staff Finding:** Site access is from Denali Park Drive and the newly constructed Private Street “Anthem Creek Lane,” which was included in the Anthem 11<sup>th</sup> Subdivision Amendment. The proposed access is sufficient for the hotel, and the existing private and public street network supports access to and from the proposed hotel site. There is also*

*adequate space in the parking lot for deliveries. The proposed parking exceeds the required parking by twelve (12) stalls. No additional mitigation is necessary for parking or access.*

- b) Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.**

***Staff Finding:** The Engineering Department has reviewed the plans and deemed the site and proposed plans adequate for utility systems, service delivery, and capacities.*

- c) Detrimental effects on connectivity and safety for pedestrians and bicyclists.**

***Staff Finding:** The proposed site plan provides ample pedestrian movement through the site, with the main pedestrian access coming from the east side of Anthem Creek Lane. All designated pedestrian crossings across parking and drive aisles are shown to be stamped concrete to help delineate the pedestrian realm. Two (2) pedestrian access paths connect to the future trail and parkway system along Midas Creek. Bicycle parking is included on the site and is convenient to the entrance to the building.*

- d) Detrimental effects by the use due to its nature including (1) noise that exceeds sound levels normally found within the neighborhood or surrounding zone, (2) odors beyond what is normally considered acceptable within the neighborhood or surrounding zone, and (3) environmental impacts such as dust, fumes, smoke, odor, noise, vibrations, chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may also include hours of operation and the potential to create an attractive nuisance.**

***Staff Finding:** The noise, odors, and other environmental impacts associated with the use will be similar to those found on adjacent lots. The proposed site is zoned C-2 Commercial, which is consistent with surrounding properties. Zoning requirements such as setbacks and landscaping buffers help mitigate potential nuisances that may occur on the site. Therefore, staff has found that the proposal will have minimal (if any) detrimental effects beyond what is customarily associated with similar uses on surrounding properties.*

- e) Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high groundwater, sensitive lands, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.**

**Staff Finding:** *Concerns regarding waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high groundwater, sensitive lands, and environmental health hazards have been addressed by the applicant or are not impacted by the proposal.*

**f) Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.**

**Staff Finding:** *No signs are included in this proposal. All signs will require a separate application and permit. Lighting fixtures shall comply with City standards and be shielded from neighboring properties. There are no residential properties nearby that will be affected by the direct lighting of the hotel site.*

**g) Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.**

**Staff Finding:** *The proposed structure meets all applicable building heights, setbacks, and architectural standards specified in the City Code and Anthem Commercial MDA. The locations of utilities, such as electrical boxes, air conditioning units, etc., are not shown on the site plan. When those utility plans are provided, staff recommends that all utilities be screened from public view (i.e., from adjacent streets, plazas, and parking lots) as per 10-12-6(C)(10). Ground and wall-mounted utilities may be screened by walls and landscaping that complement the building's architecture. Wall-mounted utilities shall also be recessed into the building and painted to match the background. Roof-mounted utilities must also be screened by a parapet wall.*

*The proposed dumpster shows the finishing material to match the stone or masonry material of the hotel building, which complies with City ordinance. A solid metal gate is also included in the dumpster plan.*

**h) Detrimental effects on the tax base and property values.**

**Staff Finding:** *The proposal will improve the taxable value of the site and generate sales tax, which benefits the City. Furthermore, because the proposal will attract patrons to the site, it will also increase the desirability of developing adjacent vacant commercial properties.*

**i) Detrimental effects on the current level of economy in governmental expenditures.**

**Staff Finding:** *The City is not providing any economic incentives to the proposed business, and the increased property value will improve City revenues.*

**j) Detrimental effects on emergency fire service and emergency vehicle access.**

*Staff Finding:* The appropriate agencies have reviewed the proposed use and found no detrimental impacts on the site for emergency and fire services and access.

**k) Detrimental effects on usable open space.**

*Staff Finding:* The proposed landscape plan softens and beautifies the site. A total of twenty-seven (27%) of the site is in landscaping. Sixty-one (61) trees and several other plantings are provided. The City's fifty percent (50%) live growth coverage requirement is also met with the proposed landscape plan, which a licensed landscape architect has stamped. However, "Note 1" on the landscape plan allows substitutions to be approved by the engineering firm, with further approval by the City. Staff recommends the note be amended to specify that only the landscape architect who designed and stamped the plan is authorized to identify and submit alternative plant requests to the City for review and decision before installation.

The landscape plan also specifies installing 2" to 3" rock mulch for ground cover. However, staff recommends installing a smaller diameter rock (1½" minus) in all planting beds to provide a more appealing ground cover that is easier to walk on for maintenance and limits areas for weed growth. This recommendation is consistent with the landscape design recommendations promoted by the Jordan Valley Water Conservation Garden Park and complies with City objectives and adopted standards.

**l) Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.**

*Staff Finding:* The site is currently undeveloped, and there are no outstanding or unresolved violations or compliance issues related to the site.

## ZONING ORDINANCE REVIEW

*Staff Finding:* Whereas the MDA includes requirements for finish materials, parking, and building details, staff has no concerns regarding compliance with related provisions in the zoning ordinance.

## MDA COMPLIANCE REVIEW

*Staff Finding:* The applicant has obtained the required MDA approval for the proposed architecture of the building.

**In conclusion, the staff determined the applicant's request is consistent with applicable standards and recommends Planning Commission approval with conditions.**

**ALTERNATIVES:**

Planning Commission may consider the following alternative actions when voting on the proposal:

Alternatives	Recommendation	Considerations for Alternative	Considerations against Alternative
Approve proposal as submitted		Approval facilitates commercial growth within the City	Without staff recommendations, proposal allows anyone to make landscape changes
Approve proposal with Staff recommendations	<b>Yes</b>	Approval facilitates commercial growth within the City	With staff recommendations, requests to amend the landscape plan are limited to the Landscape Architect
Postpone proposal (with or without date)		Commission may identify additional issues that warrant further research and review. A motion to postpone should identify what additional information is required	Staff has not identified any issues that warrant postponement
Deny proposal		Commission may deny the proposal for failure to comply with City standards. A motion to deny the should include one or more findings of non-compliance and identify applicable standard(s)	Staff has not identified any findings that warrant denial

**ATTACHMENTS:**

- A. Application
- B. Vicinity Map
- C. MDA Approval Letter
- D. Site & Landscaping Plans
- E. Approved Subdivision Plat
- F. Building Elevations & Floor Plans