



Darci Carlson <dcarlson@springdale.utah.gov>

Fwd: more public comments from Ryan Lee

Thomas Dansie <tdansie@springdale.utah.gov>
To: Darci Carlson <dcarlson@springdale.utah.gov>

Tue, Nov 9, 2021 at 4:56 PM

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From: **Ryan Lee** <ryan.lee@lafavezion.com>
Date: Tue, Nov 9, 2021 at 1:12 PM
Subject: more public comments from Ryan Lee
To: Stan Smith <ssmith@springdale.utah.gov>, Randy Aton <raton@springdale.utah.gov>, Suzanne Elger <selger@springdale.utah.gov>, Adrian Player <aplayer@springdale.utah.gov>, Lisa Zumpft <lzumpft@springdale.utah.gov>
Cc: Darci Carlson <dcarlson@springdaletown.com>, Thomas Dansie <tdansie@springdale.utah.gov>

Mr. Mayor and Town Council Members:

I apologize in advance. I am certain that you have heard enough from me regarding my request for a Conditional Use Permit for [1200 Zion Park Blvd.](#)

However, some new letters recently submitted to the town regarding this matter for my C.U.P. have caused me to write up some new public comments in response to these letters.

So while I know you are incredibly busy, I would appreciate you taking the time to hear me out on these points I that address in my letter.

Thank you.

Respectfully,

Ryan Lee

please see attached PDF for my new comments

 **Ryan Lee 2nd set of public comments.pdf**
79K

Dear Town Council Members,

I am writing in to discuss some points that were made in a few letters that were recently submitted to the town in opposition to my application for a Conditional Use Permit for 1200 Zion Park Blvd. In these letters, several points were brought up that I would like to discuss and respectfully disagree.

But first, it would be good to remind everyone what I essentially said in my previous submitted comments, namely that we are here to decide on a very narrow matter: do I meet the 7 specific standards that are stated in the town code to be granted a Conditional Use Permit?

And if I, or anyone for that matter, meet those specific standards for a C.U.P., then according to the town code the Conditional Use Permit MUST be granted.

To this point: it is irrelevant for my C.U.P. hearing if I have 2-story buildings. That charge was brought up again in the letters recently submitted to town. Now, people may feel that way (regarding 2-story buildings)— people are certainly entitled to their opinions and I respect that. But there is absolutely nothing in the 7 specific standards for consideration of a C.U.P. in the town code that refer to 2-story buildings. Or to lighting. Or that I should be building according to the “Parkitecture”. These are all arguments that could be discussed in a different venue— but not for a C.U.P. hearing. Again, my argument is simply that they are not relevant to the matter at hand.

Further, none of assertions are against town code. 2-story buildings are NOT against code. And to point out the obvious: this property in question at 1200 Zion Park Blvd. already has a 2-story building on the property and this 2-story building has been there for decades. It feels disingenuous to argue that I should not be allowed to have something on my property that is already there.

Also the town code already governs very specific lighting ordinances— all of which I intend to follow. However, again, I assert my claim: lighting is NOT part of the consideration for a C.U.P. If I am following the town code for the lighting (which I will do), then it is completely irrelevant to make an argument that I should not be granted a C.U.P. for this property based on potential lighting choices. It simply has nothing to do with the matter at hand.

And since I have not even submitted my lighting plan (because that is part of the D.D.R. process—) there is nothing yet to review. Also in regards to lighting: it should be noted that the residents of Gifford Park would only see the back side of my buildings— not the front of my buildings as the buildings face inward in a courtyard type layout.

And finally, as the town council already knows, there is no specific standard for building to Parkitecture. And many would argue that my buildings are a modern interpretation of Parkitecture anyway. But regardless, my point I continue to make here: there is nothing in the specific Conditional Use Permit standards that in any way, shape, or form address building Parkitecture. This should not be relevant in making this decision to grant my C.U.P. application.

The essential town code that must be followed is this:

“The proposed use must not unreasonably interfere with the lawful use of surrounding properties.”

I would argue that the few neighbors that have written in recently to oppose my C.U.P. have not met this standard. They fail to specifically address anything where my project would violate their property rights— or more specifically: how my project could unreasonably interfere with their right of lawful use of their property.

Also these residents claim that I am violating town codes—then fail to mention any specific town codes that I am in violation. This is the classic definition of “public clamor”—which is to say attempting to whip the public into an emotional frenzy and not to focus on the facts and the actual town code. And it should be noted: these residents writing in opposition do not even touch my property.

Ron Reber, whose property that I actually border in Gifford Park has written in a letter supporting my project. Not neutral on my project mind you— he and his wife are actually supporting it. Let me quote directly from his letter that he submitted to the town on Nov. 2: “We are supportive of this project.” And his letter is signed by him and his wife.

But I would argue that even if he came out against my C.U.P., there is nothing I am doing in my proposal that would “unreasonably interfere” with his lawful use of his property. Nothing would change for his property. He would still be able to do anything on his property after my project was built as he could have done before my project was built.

But Mr. Reber has listened to me and he has heard what I plan to do, and they like the look of my buildings, and they have come out in support of my project. And from my understanding, this gentleman is a member of the H.O.A. board of Gifford Park.

And if it would please the council I would also ask you to read the letters of the other 4 people who wrote in letters of support for my project who are also members of the Gifford Park HOA board. They are not just members of the HOA (which all residents in Gifford Park are members of the HOA)—but rather they are on the actual board of the HOA. Please note that they did not write in their capacity as members of the HOA

board— but rather as residents of Gifford Park. But regardless, I have met with and also received approval from these members of the Gifford Park HOA board.

And these members of the Gifford Park HOA board have stated that they like the look of my buildings. But, and this is the point that I continue to make in this letter today: it is *completely irrelevant* if they do or do not like the look of my buildings— because this C.U.P. hearing is not an architectural review board hearing. Nor is it a popularity contest. Nor is it a time to debate in general the issue of transient lodging in Springdale. It is none of these things. Again, we are only here to decide only on a very narrow and specific matter: do I meet the 7 specific standards in the town code to be granted a C.U.P.?

I easily meet the 7 specific standards for a C.U.P. And in my opinion, I think that everyone in town knows that I meet the 7 standards, which is why the arguments against my project center on emotionally charged concerns, opinions, and issues in an attempt to create a public clamor instead of just focusing the specific 7 specific standards outlined in the town code for the granting of a C.U.P.

As I mentioned in my previous comments submitted to town: Tom Dansie and his staff are extremely competent and professional. Tom knows the town code perhaps better than anyone. And Tom and his staff did not find anything in their review of my project for how I do not meet code. In short, I would encourage you to read the town staff report on my project and you will see that there is nothing brought up that demonstrates why I should not be granted this C.U.P. The debates made are simply opinions, but not evidence of why I would not be granted the C.U.P.

But while we are on the subject of feelings and emotions, i.e. public clamor: I do find it highly relevant that the Gifford Park HOA board members, whom I have sat down with and discussed my project with at length, have all concluded on their own that my project will be satisfactory. And more importantly: they have taken time out of their busy lives to actually write in a letter of support for my project (you may read these posted comments online).

A few other points that probably should be addressed from the charges in the letters that was submitted to the town recently in opposition to my C.U.P.:— the first is increased traffic.

As I wrote about at length in my previous submitted comments to the town, I covered this traffic issue, but please allow me to quickly reiterate a few points.

First, as I pointed out in my letter: Harriet is retiring and therefore closing down the retail operations at the Frontier Plunder. As such, there will no longer be any retail store traffic at this location.

Second, the traffic patterns of transient lodging (especially as compared to a retail store operation) are very light. At the last Planning Commission meeting on November 3rd, I heard Tom Dansie quote from a national authority that vacation rental transient lodging has an average of 3 trips for each day of stay. If that is the case, then for my project in question that would equal 39 traffic trips on average per day (and that is assuming we are completely sold out). So here is my argument in regards to the traffic for my project: almost any retail operation in town (including the Frontier Plunder) gets FAR more than 39 traffic trips per day. Many retail stores in town get that many visits *in a single hour*. And these 39 traffic trips would be spread out over the day. If you took these projected 39 traffic trips and divided it over 16 hours of the day that would be an average of 2.4 trips per hour—or less than 1 per every 20 minutes. So, my traffic projections for this project certainly do not rise to some crazy level to justify rejecting it.

Furthermore I would argue that we will get even less traffic than 2.4 traffic trips per hour because many, if not most, of the guests never even drive into Zion. Instead they take the shuttle. It should be noted that 1200 Zion Park Blvd. property has a shuttle stop directly across the street. The implication of having a shuttle stop across the street is that there will be even less traffic than the national average of 3 traffic trips per day per vacation rental transient lodging unit.

In short, increased traffic is not a valid reason to deny my C.U.P. In fact, my new operation here will significantly decrease traffic to Zion Park Blvd. versus the current retail store operation. There is no question about this in fact. Vacation rental transient lodging is simply not a high-traffic operation.

I also want to quickly address the concern of noise. My vacation rental units will not significantly affect the residents of Gifford Park. First, and most importantly: the units face inward in a courtyard type setup. Therefore the noise will be not carrying into the surrounding neighborhood.

Second, and far more important: my transient lodging units do not have high levels of noise. In 3 years of operations at LaFave, I am not aware of a single noise complaint from the town.

It should be noted that my units are luxury units. We have a very high price point for nightly rental rates. Therefore we generally attract people who are more affluent and not the party crowd. My guests are discerning travelers, they want the best in lodging, they do not want noise nor interruption, they want to be left alone, and they do not interfere with other guests or residents of town. My guests are generally older and in

fact, we rarely get children as guests. Simply put, my guests do not cause problems or create excessive noise.

May I just be candid here for a moment? My units at LaFave are so quiet, especially at night, that the operative word here is “boring”. There is simply nothing happening here in the evening and at night. So while I may be guilty of having a boring operation—I am not guilty of running an operation that creates excessive noise for the town.

Generally this is the pattern that my guests follow: they leave early in the morning on the shuttle and go up into Zion. They hike all day and tour the park— and in the process they become exhausted. Then in the evening they return, they eat, and they go to bed early. That’s it. It is a very quiet operation.

It should be noted that when I met with the Gifford Park H.O.A. board I told them this same thing regarding the quiet noise levels at LaFave— and I encouraged them to just walk down to LaFave on any given evening and listen for noise. And several of these people took me up on my invitation and they did in fact visit LaFave. Then they reported back and confirmed my assertion: it is so quiet at night at LaFave that it is almost boring there. Nothing is happening. My guests are tired from a long day of touring in the park and they simply want their rest at night to recharge to wake up and tour the park again.

It is an invalid argument to claim that my proposed project will increase both traffic and noise above that from the retail operation that currently exists at 1200 Zion Park Blvd. It simply is not true. There will be far less traffic and noise than what is currently generated from the retail store at this location.

These points also underscore my assertion that I set forth in my previous submitted comments to town that the proposed placement of my parking lot is in the ideal location for minimizing any potential disturbance to the residents of Gifford Park.

And please, let me point something out that should not be missed: there is active transient lodging already at this location at 1200 Zion Park Blvd. I would simply ask these concerned residents how much have these existing transient lodging units negatively impacted their quality of life? To my knowledge these transient lodging units have not adversely affected the lives of the residents of Gifford Park. I am not aware of any complaints to the town from any residents at Gifford Park for excessive noise or traffic from the current transient lodging operation here on my property. Nor has the retail operation affected their lives for the negative. So there really is not much that is going to change for the residents after these proposed units are built. And if anything, there will be far less traffic and noise once the retail operation is closed down. I am not proposing putting in a discotheque here— but rather a boring, quiet operation of

transient lodging with affluent travelers who would rather be left alone, and who prefer peace and quiet after a long day of touring in the park.

And my last point before I close: *long* before the Gifford Park neighborhood was created, this lot in question at 1200 Zion Park Blvd was already an existing retail operation. This business has been here for decades! And a few of the residents of Gifford Park as acting as if they were here first. When they bought these lots and built their homes they knew they were building next door to a commercial zone in town. It would be similar if you bought a lot next to some train tracks and then later complained about the noise from the trains. That is to say: you knew what you were getting into BEFORE you purchased the lot. And as I have noted at length here: I do not believe that my operation will in fact create noise or traffic to adversely affect these residents' lives— but I am simply pointing out that they cannot make the argument as if this commercial operation is new and that they were here first. This property was here and operating in this commercial zone decades before they moved in! They knew they were buying property next to and across the street from an established commercial zone in town. So it is hard for me to accept that they have property rights that supersede mine. But most importantly: my plans will not destroy their lifestyle nor their enjoyment of their property.

Closing

In closing I would point out what I consider the most important argument here which is simply to follow the town code.

And there is nothing that could even remotely rise to the level of what the code states as the threshold that must be met to receive a C.U.P.: namely that my project “must not unreasonably interfere with the lawful use of their property”.

And since the only neighbor that actually touches my property has come out in direct support of my project, I find these arguments, at least in relation to the granting of my C.U.P. request, not relevant to the matter at hand.

I respectfully ask that the Town Council vote in the affirmation for my request for a Conditional Use Permit for 1200 Zion Park Blvd.

Thank you for your consideration.

Respectfully,

Ryan Lee