

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, March 28, 2024**

Present: Logan Blake, Chair
Shelly Harris
Koni Hunter
Kayde Roberts
Kristen Walton
Curtis Whitehead

Staff: Jim McNulty, Planning and Economic Development Manager
Cody Mitchell, Building Official
Selena Nez, Deputy City Recorder
Kristelle Hendrickson, Executive Assistant

Absent: Mark Weston

1. Call to Order.

Chair Logan Blake called the meeting to order at 5:30 PM.

2. Opening Ceremony.

A. Pledge of Allegiance: Logan Blake.

B. Opening Comments (Invocation): Logan Blake.

3. Working Agenda.

A. Public Hearing.

i. None.

4. General Business.

A. Recommendation to City Council.

i. Recommendation to the City Council for a Proposed Partial Plat Amendment for the Snow Canyon Estates Subdivision, Lots 1 and 3, located at 1784 Lave Cove Drive and 2536 Stefanie Lane. The Applicant, Jon Ence, is Proposing to Build a Detached Garage in the Rear Yard of his Property.

Planning and Economic Development Manager, Jim McNulty reported that the applicant, Jon

Ence, who owns the home on Lot 3 is proposing to amend Lots 1 and 3. Lot 1 will be decreased to 10,000 square feet or 0.23 acres from 10,191 square feet. Lot 3 will be increased to 26,352 square feet or 0.60 acres from 26,161 square feet. Both lots have existing single-family homes on them and will meet the area, width, and yard regulations in the City ordinance. Mr. McNulty stated that Mr. Ence proposes to build a detached garage in the rear yard of his property and the proposed partial plat amendment allows for a total of 191 square feet to be included within Lot 3 on a recorded subdivision plat. The subject properties are in the northeastern part of the City on Lava Cove Drive and Stefanie Lane. Mayor cross streets in the vicinity include Lava Cove Drive and Pioneer Parkway. Mr. McNulty reported that Public Utility Easements (“PUE”) are required to be shown on the final plat and any PUE affected by this amendment needs to be relocated.

Mr. McNulty reported that Staff recommends that the Planning Commission consider recommending approval to the City Council of the Partial Plat Amendment for Lots 1 and 3 of the Snow Canyon Estates Subdivision subject to the conditions enumerated in the Staff Report.

Commissioner Harris asked if changing the property line in this way will infringe on the setbacks. Mr. McNulty stated that it will not. He stated that the zone requires a minimum rear yard setback of 10 feet and the rear of the home is 12.19 feet from the new property line.

Commissioner Roberts asked for clarification as to whether both property owners agreed with the changes. Mr. McNulty reported that the Ences have worked with the Jenners, who own Lot 1. On a partial plat amendment or a subdivision document that must be recorded, the owner’s acknowledgment and dedication will have to be signed by both property owners before they can record the plat.

Commissioner Whitehead asked if the wall will be torn down and what will happen if either property owner sells their lot in the future. Engineer Mark Raines stated that the property line will be adjusted but he was not sure about Mr. Ence’s plans for the wall although he does intend to meet the setbacks. Mr. Raines added that once the plat is submitted, ownership of the area will change permanently unless something is done legally in the future to change it again. The plat shows exactly where the property lines are.

Chair Blake noted that nothing in the Code requires a fence to be built on the property line. He stated that a fence can be built wherever the property owner wants. Building Official, Cody Mitchell confirmed that and stated that the hope is that Mr. Ence will bump the wall out to clearly identify it for future owners.

A question was raised about potential safety issues. The setbacks are based on the property lines. The Commissioners expressed concern that the wall will need to be removed to build a garage there. Mr. Raines stated that the wall will not need to be removed. There is a reduced setback for a non-habitable outbuilding or accessory structure such as a shop or a detached garage. With the clearance of the Public Works Director and the Power Director to clear any easements that might exist, the setback can be reduced to five feet. Mr. Raines explained that Mr. Ence originally wanted to build the detached garage with a three-foot setback, but the ordinance does not allow for it. There was a petition to rewrite the ordinance, but Mr. McNulty said the City decided to keep the current ordinance, which requires five-foot setbacks from a side yard or rear yard. Mr. Raines

stated that Mr. Ence then decided to see if the new setback could be pulled from his new property line.

Chair Blake reported that this proposal may be a bit unusual, but it fits the zone, and it only affects the two property owners. Mr. McNulty agreed and confirmed that the proposal complies with City Code requirements.

Commissioner Walton asked for clarification as to whether the setback is more about distance from the property line than safety. Mr. McNulty responded that the setback is about distance from the property line. Mr. Mitchell added that safety is one element. The reason the setbacks were limited to five feet was due to fire separation. Messrs. Mitchell and McNulty reiterated that this proposal meets the zone requirements.

Commissioner Walton moved to recommend that the City Council APPROVE the proposed amendment to Lot 1 and Lot 3 in Snow Canyon Estates, subject to the following four conditions:

- 1. The applicant shall be required to comply with the recommendations from all City reviewing departments.**
- 2. Both lots (Lots 1 and 3) shall meet the area, width, and yard regulations as per Section 17.64.050 of City ordinance.**
- 3. The Owner's Dedication & Acknowledgement shall be signed prior to final plat recordation.**
- 4. The applicant shall be required to record the amended subdivision plat and provide an electronic copy to City staff.**

Commissioner Hunter seconded the motion. Vote on motion: Chair Blake-Yes; Commissioner Harris-Yes; Commissioner Hunter-Yes; Commissioner Roberts-Yes; Commissioner Walton-Yes; Commissioner Whitehead-Abstained. The motion passed unanimously with one abstention.

- ii. Recommendation to the City Council for a Proposed Partial Plat Amendment for the Hills at Santa Clara, Phase 2B, Lots 210 and 233. The applicant/owner, Charles Gay, is proposing to increase the size of Lot 210 for a future home and add Lot 233 (parcel #SC-6-2-17-7394) into the subdivision. The Proposed Lot 233 includes existing subdivision improvements already in place.**

Mr. McNulty reported that the applicant, Charles Gay, proposes to amend Lot 210 and add Lot 233 (Parcel #SC-6-2-17-7394) to the subdivision. Lot 210 will be increased to 14,607 square feet (0.34 acres) from 10,893 square feet and the proposed Lot 233 will be decreased to 9,574 square feet (0.22 acres) from 13,288 square feet. Both lots are undeveloped except for the required public improvements such as curb, gutter, sidewalk, and utilities. Both amended lots will meet the

required area, width, and yard regulations. Mr. McNulty reported this is in the R-1-10 Mixed Lot Size Zone, so there is flexibility in this zoning district to allow for different lot sizes. The proposed lot will be just under 10,000 square feet in size. Mr. Gay is the owner of both lots and intends to build a single-family home on Lot 210. Lot 233 will be sold as a building lot and includes existing subdivision improvements. The proposed extension and partial plat amendment will allow for the proposed changes to be shown on a recorded subdivision plat. The subject properties are in the southwestern part of the City on Colby Loop and major cross streets in the vicinity include Clary Hills Drive and Gates Lane providing access to Santa Clara Drive.

Mr. McNulty reported that the proposed partial plat amendment is somewhat unique, so City staff reviewed it with legal counsel, the City Manager, the Mayor, and the Technical Review Committee, TRC. It was determined that the best way to proceed is an extension and partial plat amendment allowing for the change to the lot configuration, the size for Lot 210, and allowing Lot 233 to become part of the subdivision plat.

Staff recommended that the Planning Commission consider recommending approval of the Extension and Partial Plat Amendment for Lot 210 and Lot 233 of the Hills at Santa Clara Subdivision, Phase 2B, to the City Council, subject to the conditions enumerated in the Staff Report.

Chair Blake's understanding of lot size averaging was that there should be a certain number in each increment. Mr. McNulty stated that there must be a minimum of 40% of the R-1-10 lots. The lots in the subdivision and in the plat have been counted and everything else exceeds 10,000 square feet. This would be the only one that does not in Phase 2, but it is permissible in the zone to have different lot sizes.

Commissioner Roberts asked which lateral utilities may be affected by the lot line adjustment. Jared Bates, Rosenberg Associates, explained that water services are generally put on the lot line and will need to be moved for Lot 233 since the lot line will move south. Commissioner Roberts asked if the lot line is changed before lateral utilities such as the water services are moved if one property owner restricts the other from moving the utilities. Chair Blake stated that it would be more of a Building Permit issue.

Mr. McNulty reported that there is the standard R-1-10 zoning district but the zoning district for this property is the R-1-10 Mixed Lot Size, which allows for varied lot sizes. The Hills does not have a large variety of lot sizes, but the zoning district allows for that flexibility, especially in Phase 3.

Commissioner Roberts moved to recommend APPROVAL of the extension and partial plat amendment of Lots 210 and 233 of the Hills of Santa Clara Subdivision Phase 2B for the City Council, subject to the following conditions:

- 1. That the applicant be required to comply with the recommendations from all City reviewing departments.**

2. **Both lots (Lots 210 and 233) shall meet the area, width, and yard regulations as per Section 17.65.050 of City ordinance.**
3. **The Owner's Dedication & Acknowledgement shall be signed prior to final plat recordation.**
4. **The applicant shall be required to record the amended subdivision plat and provide an electronic copy to City staff.**

Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.

5. Discussion Items.

A. Historic District Committee Update.

Mr. McNulty asked Historic District Committee Chair Mimi McKenna to provide an update to the Planning Commission. The Historic District Committee has been tasked with rewriting the Historic District Design Guidelines. Mr. McNulty noted that Planning Commissioner, Shelly Harris, was appointed by the mayor to serve on the committee as well.

Ms. McKenna emphasized that the work of the Historic District Committee was a group effort and thanked the other members of the Historic District Committee consisting of Jim McNulty, Brock Jacobson, Cody Mitchell, Mandi Gubler, Shelly Harris, Kim Campbell (a local architect specializing in historic restoration and preservation), David Leavitt, Sheldon Whitwer, Charise Smith, Penny Willard, and Kelly Graf. The Design Guidelines were written mainly for existing residential properties, or residential properties that are converted to commercial buildings. The current guidelines do not adequately address commercial development. Ms. McKenna added that some of the residential buildings could become commercial, so the commercial and residential guidelines go together.

Ms. McKenna reported that the Historic District Committee sent 2,064 surveys to every household in Santa Clara that receives a utility bill to get a general idea of how the community feels about the Historic District. Executive Assistant, Kristelle Hendrickson designed the survey so that there could be only one response per device. Over 600 responses were received to the 10-question survey.

Question 1: How important is it to you that the Santa Clara Historic District be preserved?

Ms. McKenna reported that over 85% of respondents felt it was very important or extremely important.

Question 2: Should Santa Clara require that new residential and remodeled residential buildings in the historic district follow a code requiring architectural design, size, and scale?

83% of respondents strongly agreed or agreed.

Question 3: Should Santa Clara require that new commercial buildings in the Historic District follow a Code regarding architectural design size and scale?

88% agreed or strongly agreed that new commercial construction should follow some type of architectural design and regulations.

Question 4: How important is it to you to maintain the continuity of buildings and landscaping in the Santa Clara Historic District?

80% felt it was very important or extremely important for the buildings and landscaping in the Historic District to have continuity.

Question 5: Would you support new businesses in the Santa Clara Historic District?

70% of respondents indicated that they would support or strongly support new businesses in the Historic District.

Question 6: What types of new businesses would you support in the Santa Clara Historic District?

Ms. McKenna reported restaurants were number 1 followed by boutiques/specialty stores, small retail stores, professional services, and “other-please specify.” It seems that the respondents mainly want to see restaurants, small boutiques, and small “mom-and-pop” businesses.

Question 7: If businesses in the Santa Clara Historic District were encouraged to extend their business hours into the evening (for example, from 5:00 to 10:00 PM), would you support these businesses?

Ms. McKenna reported that respondents indicated a little bit less support on this question. Most would support it, but fewer would strongly support it. Mr. McNulty stated that it is possible that if the hours were different, such as 5:00 to 9:00 PM, support might have grown by 10% to 15%. He added that 10:00 PM is not really that late, especially in the summertime when it does not get dark until 9:00 or 9:30 PM.

Commissioner Whitehead observed that even the respondents who did not strongly support it were not necessarily opposed to it. They just seemed to be neutral about the hours. Chair Blake noted that when he took the survey he wondered if the wording was somewhat ambiguous to some respondents. For example, some might not have been clear on what “encouraging” businesses to extend their hours means, so they may have responded in a neutral way because they were not sure about the question.

Commissioner Roberts stated that most people want more restaurants, but it seems that they did not necessarily want them to stay open until 10:00 PM. He suggested that when respondents answered that question, perhaps they were thinking about big businesses, not fine dining establishments.

Question 8: If a historical home in the Santa Clara Historic District is in disrepair, what should be the course of action by City officials to preserve the home?

Ms. McKenna reported that most respondents chose “allow the homeowner flexibility to decide the next steps with home renovations,” followed by “explore options with the homeowner, including potential rebuild”; “encourage the homeowner to renovate the home or consider selling it”; and “other.” Over 80% of respondents think there should be guidelines for what is in the Historic District. Ms. McKenna stated that there is always a line to walk between personal property rights and doing what is best for the City. Ms. McKenna read the following from Santa Clara City’s General Plan: “The goal of historic preservation in Santa Clara is a holistic approach that balances the needs of property owners with the benefits to the entire community.” Ms. McKenna agreed with the General Plan that there should be a balance.

Commissioner Walton asked about who would pay for the work on a historic home that needs to be completely rehabilitated. Ms. McKenna said the Committee cannot address that in the work they are doing right now. She gave the example of Park City, which has a vibrant Historic District that is extremely valuable to that community; however, Park City most likely has an Economic Redevelopment Fund to help homeowners who want to restore their property. She explained that Santa Clara does not have that but perhaps that is something to investigate. Mr. McNulty stated that funding is a policy decision, and the elected officials must agree to put funds in place for that. Many cities have a housing authority or a historic district with a staff or department. Mr. McNulty reported that Santa Clara does not have that yet because the guidelines must be updated first.

Chair Blake asked how much money has been raised from the black license plates that benefit the Historical Society of Utah. He wondered if the City could reach out to the Historical Society to discuss using some of that money for historic preservation in Santa Clara City. Ms. McKenna said that is something the Heritage Commission could investigate. Mr. McNulty noted that Santa Clara City is part of the Certified Local Government (“CLG”) program, which is designed to promote historic preservation at the local level. The CLG program awarded the City a matching grant of \$5,000 to help pay for the cost of doing this rewrite, which is \$5,000 that doesn’t have to be paid for from the City’s budget.

Question 9: How important is it to you that open space is maintained in the Santa Clara Historic District?

67% responded with “extremely important” or “very important.” Chair Blake asked for clarification as to what is meant by “open space.” Ms. McKenna responded with the orchard, the gardens, and the infill between the houses. She stated that open space is important, saying that a three-story building would not be a good fit next to the one-story, 1,200-square-foot homes in the Historic District.

Chair Blake disagreed. He stated that the historic buildings in Santa Clara are small because the people who built them were poor and we should not necessarily hold ourselves to that standard.

Ms. McKenna responded that the properties in the Historic District are not supposed to look like they do somewhere else. Traditionally, a historic lot consists of a home in the middle with a corral

and a garden. She was not opposed to new construction if it is done well. Mr. McNulty noted that the effort is to allow commercial development which considers what is around it, and which would be a good fit in terms of size and scale.

Question 10: Please rank the following items listed below that you believe are most important to preserve in the Santa Clara Historic District.

The majority of respondents ranked the historic buildings as the most important, which, as Ms. McKenna pointed out, are really the homes. Large shade trees were ranked second, with sidewalks ranked third.

Commissioner Hunter asked for information about the rules for turning historic buildings into rentals. Mr. McNulty explained that the owner of a single-family home can rent out the property as a long-term rental. For a short-term rental (weekend or nightly), the Historic District Mixed Use allows it as a conditional use, but a site plan review must be done, and it has to be discussed/approved by the Historic District, the Planning Commission, and the City Council to allow for it. Mr. McNulty said there aren't many short-term rentals in the Historic District, but there are some, such as the Inn at Santa Clara.

Commissioner Roberts asked if the Historic Commission could put together a picture presentation of all the historical buildings to get a sense of the theme and what they look like. Mr. McNulty shared that the design guidelines that will come before the Planning Commission will include diagrams as well as pictures. Ms. McKenna stated that there are four styles including Pioneer Homes, World War I era bungalows, cottages built after the war, and Ranch style homes. They were built between the late 19th century and the mid-20th century (i.e., from the 1880s through the 1960s).

Commissioner Hunter reported that there is a home on Santa Clara Drive that was owned by her fourth great-grandparents, which unfortunately has fallen into disrepair. She and her family care very much about the home and want to restore it and possibly turn it into a bookstore or boutique. The issue, however, is cost.

Ms. McKenna stated that one thing that could be done is to decide which trees are Heritage Trees, which deserve special protection, and which homes are Heritage Homes that should be prioritized. She noted that this would have to be discussed at a later date, but she knows the more time that goes by, the more difficult it is to reverse the damage and restore these properties. The easiest way is for private individuals to buy them and restore them, but it is costly.

Commissioners Hunter, Harris, and Whitehead expressed their appreciation for what an important endeavor the new guidelines are. Commissioner Whitehead added that he liked the survey as it shows what people in the community are interested in. He noticed that only 20 to 30 respondents expressed mostly negative responses. Once those are removed, it is clear that the majority of respondents care about the Historic District.

Mr. McNulty stated that the new guidelines will be reviewed by the Planning Commission at the April 11 and 25 meetings.

6. Approval of Minutes.

A. Request Approval of the Regular Meeting Minutes – March 14, 2024.

Commissioner Harris moved to APPROVE the minutes of the March 14, 2024, Santa Clara Planning Commission Regular Meeting. Commissioner Hunter seconded the motion. The motion passed with the unanimous consent of the Commission.

7. Adjournment

The Planning Commission Meeting adjourned at 6:45 PM.

Jim McNulty

Jim McNulty
Planning Manager

Approved: _____ April 11, 2024