

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, September 12, 2024**

**Present:** Logan Blake, Chair  
Shelly Harris  
Koni Hunter  
Kristen Walton (via Zoom)  
Curtis Whitehead

**Staff:** Jim McNulty, Planning and Economic Development Manager  
Selena Nez, Deputy City Recorder  
Cody Mitchell, Building Official

**Absent:** Mark Weston

**1. Call to Order.**

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

**2. Opening Ceremony.**

**A. Pledge of Allegiance: Shelly Harris.**

**3. Conflicts and Disclosures.**

There were no conflicts or disclosures.

**4. Working Agenda.**

**A. Public Hearing.**

- i. Consider a Proposed Property Rezoning for 2627 Vineyard Drive (Parcel #SC-88-A, Described as 0.83 acres). The Applicant, Tyler Miller, Proposes to Rezone the Property from the RA Single-Family Residential Zone to the R-1-10 Single-Family Zone to Allow for a Two-Lot Subdivision. The Existing Home would Remain on the Property with a Proposed Home to be Built Behind It.**

Planning and Economic Development Director, Jim McNulty, presented the Staff Report and noted that the subject property is located across the street from the City offices. The applicant is proposing to rezone the parcel from the Residential Agriculture (“RA”) Single-Family Zone, which requires one-half acre lots to R-1-10 Single-Family, which allows one-quarter acre lots. The Concept Plan submitted by the applicant indicates that the existing home will retain a 10,671-square-foot lot and the second parcel will be a 26,172-square-foot flag lot.

Mr. McNulty reported that notices were sent to property owners within 300 feet of the subject property. The property was also posted as per State code. Merrilee and J.R. Hafen responded to the notice and both were present at the meeting.

The Santa Clara City General Plan Map includes a Low-Density Residential (“LDR”) land use designation for the subject property, which allows for single-family homes with a density of two to four dwelling units per acre. The proposed subdivision is within that range, at 2.41 units per acre, and would comply with both the General Plan and the R-1-10 zone.

Chapter 17.18.090 of the City Code provides the following standards of review for Rezoning considerations. Mr. McNulty indicated Staff’s response to each in bold.

- a. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? **Yes.**
- b. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property? **No.**
- c. Are there substantial reasons why the property cannot or should not be used as currently zoned? **Yes.**
- d. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection? **No.**
- e. Is the proposed use compatible with the purpose and intent of the General Plan? **Yes.**
- f. Will the use be consistent with the purpose and intent of the proposed zoning district? **Yes.**
- g. Is the proposed use supported by new or changing conditions not anticipated by the General Plan? **No.**
- h. Does the proposed use reflect a reasonable balance between the promotion of public health, safety, morality, or general welfare and the right to the unrestricted use of property? **Yes.**

Staff and legal counsel discussed the rezoning application and believe that the proposed rezoning is in harmony with the existing single-family neighborhood. There are several homes on the north side of Vineyard Drive in the immediate vicinity that are in the R-1-10 Single-Family Zone, as well as other large lot properties along the south side of Vineyard Drive that may allow for additional single-family homes to be built in the future. The parcel next-door to the subject property is 0.5 acres with frontage that could allow for two 0.25 acre lots. Mr. McNulty noted that each case would require rezoning and subdivision review.

Mr. McNulty presented a map of the area and stated that five nearby properties in the RA zone do not comply with the zoning. On Vineyard Drive between Camus Lane and Old Farm Road, Parcels SC-92-B, SC-92-C, SC-92-E, and SC-92-F are each 0.30 acre in size. Parcel SC-86-C-1 on the corner of Vineyard Drive and Riverwood Lane is 0.31 acres. The north side of Vineyard Drive is zoned R-1-10.

Utah Code Section 10-9a-205 specifies requirements for Zoning Map Amendments. They request at least one public hearing, as well as a 10-day advance notice of the hearing. City Staff determined that all requirements had been met and recommended that the Planning Commission review the submitted rezoning application to determine if the application was complete. If determined to be complete, City Staff recommended that the Planning Commission forward a recommendation to the City Council for review and consideration of the application subject to the conditions and findings outlined in the Staff Report.

The applicant, Tyler Miller stated that the purpose of the application is to build a home and raise his family in the community. Santa Clara will be built out within the foreseeable future, and there are few opportunities to build or buy homes at an attainable price. He believes the application adheres to the General Plan and will not be a burden to the neighborhood.

Commissioner Hunter asked about the current owner of the property. Mr. Miller stated that the previous owners passed away and his family purchased the property when it went on the market. Once the property is subdivided, they plan to sell the existing home and build on the rear lot within the next three years.

Chair Blake opened the public hearing.

*David Jeppson* gave his address as 2503 Vineyard Drive. He was not opposed to the applicant's plans but objected to how it was being done. Approximately 18 years earlier, a developer bought a home next to him. Mr. Jeppson had had horses for years but they suddenly became a problem. The City came after him to get rid of his horses even though they are allowed in the zone. He spent over \$10,000 fighting the City, including engineering and attorney's fees, to keep his horses on the property. The developer then tried to split the property similar to Mr. Miller's proposal, but the Planning Commission denied the request. A similar situation happened on Arrowhead Trail, where a developer wanted to subdivide a property into five lots. The neighboring property owners opposed it, but the subdivision was approved with three lots. Mr. Jeppson believes that rezoning one lot at a time is the wrong way to do it. If all of the neighboring property owners are amicable to the change, the entire area should be rezoned. The Millers purchased the property knowing its restrictions. The rezoning would not affect his home since he lives more than 300 feet away but it will impact him if they allow his neighbors to rezone their properties as well.

*Merrilee Hafen* gave her address as 2665 Vineyard Drive and stated that her husband was under the impression that the lot was being subdivided into two 0.5 acre lots. He was okay with that, but she was not. She has always loved Santa Clara and thought it was a beautiful place to live but after a subdivision with 0.25 acre lots was approved nearby, they knew that everyone would be allowed 0.25 acre lots. She believes it is wrong to build houses behind houses. She opposed the City Hall when it was approved and built. They bought their property and designed their house so

they could see Pine Valley Mountain and the Red Hills and City Hall now blocks their view. Lonnie Gubler wanted to build a subdivision behind her property, which she was also opposed to. The rear of her home has windows to view the South Hills. She feels that the Commission has already decided what they are going to do but she believes they are taking old Santa Clara away and was opposed to the proposed rezone.

*J.R. Hafen* gave his address as 2665 Vineyard Drive and agreed with the previous comments. He too was opposed to the rezoning. He asked what the Millers planned to do with the existing home and stated that if they intend to rent or sell it, it has two complete rental units. He asked if the Millers would be willing to commit to not renting out the home. He also asked why they did not ask for input from the neighbors prior to purchasing the property. He thanked the Planning Commission for considering his position.

There were no further comments. The public hearing was closed.

Mr. Miller thanked Mr. Jeppson and Mr. and Mrs. Hafen for their comments. He believes the Planning Commission is protected from setting a precedent because of the various City Ordinances. For example, a flag lot requires 25 feet of frontage on one side and most properties do not meet that requirement. His intention is to sell the existing home. He cannot guarantee what the new owner will do with the property but it is not currently zoned multi-family so it cannot be used as a duplex. Mr. McNulty added that homes in single-family zones can be rented but they must be rented as a single unit. The exception is if the home is owner-occupied, a second unit could be rented within the home as an Internal Accessory Dwelling Unit (“IADU”).

## **5. General Business.**

### **A. Recommendation to City Council.**

- i. Recommendation to the City Council for a Proposed Property Rezoning for 2627 Vineyard Drive (Parcel #SC-88-A, described as 0.83 acres). The Applicant, Tyler Miller, Proposes to Rezone the Property from the RA Single-Family Residential Zone to the R-1-10 Single-Family Zone to Allow for a Two-Lot Subdivision. The Existing Home would Remain on the Property with a Proposed Home to be Built Behind It.**

Commissioner Whitehead asked if the zoning change was recommended by Staff. Mr. McNulty stated that Staff does not make recommendations on a property rezoning. It is a legislative decision. They present the information to the Planning Commission and ask that they determine if the application is complete. The Planning Commission then makes a recommendation to the City Council, which makes the final decision. Commissioner Whitehead clarified that his question pertained to recommendations to the property owner. City Attorney, Matt Ence stated that the property owner presented his plans to the City and was provided with options. Rezoning was one of the options.

Commissioner Whitehead referred to the other parcels Mr. McNulty mentioned and asked if the applicant could proceed with his plans without changing the current zoning. Mr. Ence stated that those parcels are non-conforming lots. If the subdivision of a lot in an RA zone is approved, it will create additional non-conforming lots. Lots of this size are not unusual for this area but Staff was not making a judgement call on whether the application should or should not be approved. It was clarified that if the application were approved, there would be no further public hearings. If the property is rezoned, there will be a public meeting for preliminary Plat approval with the Planning Commission.

Commissioner Harris asked if the second home could be built as an ADU. Mr. McNulty stated that they plan to build a single-family home to grow their family and City Code would allow a detached Accessory Dwelling Unit (“ADU”) of up to 1,000 square feet.

Chair Blake stated that it is an interesting case. Flag lots have been approved throughout the valley and in other parts of Santa Clara and the General Plan allows for the rezoning. He asked if the front lot could be rezoned to R-1-10 if the remaining parcel remains in the RA Zone. Mr. Ence stated that that could be accomplished if both the zoning change and preliminary plat applications were considered together. Several lots on both sides of Vineyard Drive are smaller than required by RA zoning. Mr. McNulty noted that those lots were likely created in the 1970s, so at some point, a precedent was set allowing for smaller lots. Chair Blake agreed with the applicant's statement that Santa Clara is landlocked and some creativity should be allowed.

Commissioner Hunter understood and sympathized with Mr. and Mrs. Hafen's concerns. They are long-term residents of the community and it is difficult to see things growing around them. She once had a beautiful view of Pine Valley from her backyard and now her view is of the Summit Gym. She knows how much Mr. Jeppson loves his land and horses. It is difficult to see properties be altered. She can also see the Millers' position. She believes these decisions should be made on a case-by-case basis and stated that their decision on this issue will not be the same for future issues. The role of the Planning Commission is to decide if the application is correct and conforms with City Code.

Commissioner Whitehead asked if the property could be split into several lots if rezoning to R-1-10 was approved. Mr. McNulty stated that additional flag lots would have to be approved and Staff would recommend against approval. Chair Blake stated that the frontage requirements would prevent further subdividing. Mr. McNulty stated that the frontage could be shared but it has to be approved through the subdivision review process. Staff would not recommend approval of a second flag lot. The applicant expressed no plans to further subdivide and stated that they plan to build a garden and playground for their family on the lot.

Chair Blake's preference was to recommend that the application be resubmitted to include rezoning the front lot to R-1-10 for the existing home and retain the RA zoning on the proposed rear lot. Mr. Ence stated that if that is the Planning Commission's position, the applicant should do a preliminary plat and bring the matter back before the Planning Commission. It would require more investment by the Applicant with no guarantee of approval but he was unsure if there would be another way to accomplish that goal. Chair Blake suggested requesting that the applicant come back with two legal descriptions, one lot with R-1-10 zoning and one with RA zoning. Mr.

McNulty explained that preliminary plats are not reviewed by the City Council, but a rezoning of the property is a legislative decision to be reviewed by the Council.

Chair Blake felt they should be able to apply for two zones on one parcel. Mr. Ence indicated that it is a new issue. The zoning change would be decided by the City Council, and the preliminary plat would be approved by the Planning Commission. He did not know if the Council would consider approving a zone change on a portion of a property because even with two legal descriptions, there would not be an approved plat. He would be reluctant to approve that because when a property has two zones, it is usually due to an error. Mr. Ence suggested that the applicant could come back with the preliminary plat and matching zoning. The Planning Commission could then grant preliminary plat approval and make a recommendation to the City Council to consider the split zone. Preliminary plat approval would need to be subject to the City Council's approval of the zone change.

Chair Blake stated that separate zoning is approved for larger developments prior to subdividing the property. Mr. McNulty stated that generally with large, master-planned developments, the application includes a detailed plan so they know which areas will have which zoning. Mr. Ence added that there is also usually a Development Agreement. The Planning Commission could recommend that the City Council approve the zone change on a portion of the property. If approved, the applicant could then come back before the Planning Commission for preliminary plat approval. If the plat meets all requirements, it should be approved because it is an administrative decision. He was unsure how the City Council would respond to that recommendation as it had not been done before. They may be uncomfortable approving a zone change on a portion of the property. Commissioner Whitehead stated that the Council would then have two options: they could either approve the Planning Commission's recommendation or approve R-1-10 zoning on the entire lot. Mr. Ence confirmed that the decision would be at the Council's discretion and indicated that he believes the recommendation is legally defensible.

Commissioner Harris understood the desire for compromise but pointed out that the application complies with the General Plan. Chair Blake stated that the General Plan shows more of the RA zone as very low-density residential. Mr. McNulty clarified that the General Plan indicates two to four units per acre and both zones are within that range.

**Commissioner Whitehead moved to recommend that the City Council APPROVE the Rezoning for the current home at 2627 Vineyard Drive (Parcel #SC-88-A) to R-1-10 and leave the Remaining Property Zoned RA, subject to the following:**

**Conditions of Approval:**

- 1. That the Rezoning complies with Chapter 17.18.090 items below:**
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby properties;**
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;**

- c. **There are substantial reasons why the property cannot or should not be used as currently zoned;**
  - d. **The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;**
  - e. **The proposed use is compatible with the purpose and intent of the General Plan;**
  - f. **The proposed use is consistent with the purpose and intent of the proposed zoning district;**
  - g. **The proposed use is not supported by new or changing conditions anticipated by the General Plan; and**
  - h. **The proposed use does reflect a reasonable balance between the promotion of public health, safety, morality, or general welfare and the right to the unrestricted use of property.**
2. **That the applicant be required to go through the Subdivision Review process (preliminary and final plat).**
  3. **That the applicant be required to define the property boundaries and submit legal descriptions for each separately zoned parcel prior to City Council review.**

**Findings:**

1. **That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Low-Density Residential (“LDR”), two to four dwelling units per acre).**
2. **That the R-1-10 Single-Family Zone allows for homes on lots of 10,000 square feet or larger.**
3. **That properties in the immediate vicinity along the north side of Vineyard Drive are zoned R-1-10 Single-Family.**

**Chair Blake seconded the motion. Vote on Motion: Commissioner Hunter-Yes, Commissioner Harris-No, Commissioner Whitehead-Yes, Commissioner Walton-Yes, Chair Blake-Yes. The motion passed 4-to-1.**

In accordance with the motion, Mr. Ence stated that they would obtain the required information from the applicant prior to adding the item to the City Council agenda. The Council has the

discretion to either accept the Commission's recommendation, approve the original application, or deny the application.

**6. Discussion Items.**

A. None.

**7. Approval of Minutes.**

A. **Request Approval of the Regular Meeting Minutes – August 22, 2024.**

Commissioner Whitehead asked for clarification on the temporary telecommunications facility at Black Desert as he believed it would only be used during PGA events. Mr. McNulty clarified that it will be used until permanent facilities are erected. They have not yet submitted a Building Permit application for the temporary facility and he will follow up with them regarding the permit.

**Commissioner Harris moved to APPROVE the minutes of the August 22, 2024, Santa Clara Planning Commission Regular Meeting, as presented. Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.**

Chair Blake stated that he would like a discussion item on Roberts Rules of Order to be added to a future meeting agenda. Mr. McNulty indicated that the next Planning Commission Meeting will be held on October 10, 2024. Depending on the number of agenda items, it will be added to either the agenda for that meeting or the one on October 24, 2024.

Mr. McNulty stated that there will be an Affordable Housing Workshop on Friday, September 20, 2024, from 9:00 a.m. to 11:00 a.m. on the second floor of the main building at Dixie Tech.

**8. Adjournment**

The Planning Commission Meeting adjourned at 6:37 p.m.

*Jim McNulty*

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Jim McNulty  
Planning Manager

Approved: \_\_\_\_\_ October 10, 2024