



NOTICE OF PUBLIC MEETING PLANNING COMMISSION

Planning Commission
November 14, 2024 @ 5:30 PM

2603 Santa Clara Drive
Santa Clara, Utah 84765

Phone: (435) 673-6712
Email: contact@sccity.org

Public Notice is hereby given that the Planning Commission of the City of Santa Clara, Washington County, Utah, will hold a Planning Commission Meeting in the City Council Chambers, 2603 Santa Clara Drive, Santa Clara, Utah, on Thursday, November 14, 2024, commencing at 5:30 PM. The meeting will be broadcasted on our City website at <https://santaclarautah.gov>.

The agenda for the meeting is as follows:

1. Call to Order

2. Opening Ceremony

A. Pledge of Allegiance: Mark Weston

3. Conflicts and Disclosures

4. Working Agenda

A. Public Hearing

1. None

5. General Business

A. Recommendation to City Council

1. Recommendation to the City Council for a proposed Zoning Ordinance Text Amendment to Chapter 17.68.020, Allowed Uses. This item was tabled by the Planning Commission on October 24, 2024, after holding a public hearing.

B. Planning Commission Approval

1. Second Temporary Use Extension: Black Desert Temporary Maintenance Facility. Located northeast of Pioneer Parkway and Red Mountain Drive. Patrick Manning, applicant.
2. Preliminary Subdivision Plat Subdivision Plat Approval for the POM Grove Estates Subdivision located at approximately 2627 Vineyard Drive. Tyler and Chanelle Miller, applicants.

6. Discussion Items

A. None

7. Approval of Minutes

A. Request Approval of Regular Meeting minutes: October 24, 2024

8. Adjournment

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City at least 24 hours in advance of the meeting by calling (435) 673-6712.

Posted this 7th day of November 2024.

Jim McNulty, Planning Manager



City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

Zoning Ordinance Text Amendment Summary and Recommendation

Public Body: Santa Clara Planning Commission

Meeting Date: November 14, 2024

Current Zone: Planned Development Commercial, PDC

Property Location: Corner of Country Lane and Santa Clara Drive

Property Size: 0.76 Acres

Request: Zoning Ordinance Text Amendment

Applicant Name: Wes Davis

Staff Planner: Jim McNulty

Meeting Type: Public Hearing (**Held on October 24, 2024**)

PROJECT DESCRIPTION

The applicant, ***Wes Davis, representing Country Lane Commons, LLC is requesting a Zoning Ordinance Text Amendment*** to add a new land use in the Planned Development Commercial, PDC Zone. The proposed land use would allow for a “Non-Depository Consumer Lender” as a permitted use in the zoning district. This would be an amendment to Chapter 17.68.020, Allowed Uses in the Planned Development Zones.

The applicant intends to bring a ***“Non-Depository Consumer Lender” to the Country Lane Commons project.*** Currently, the Orange Peel business occupies a portion of the building. However, there are two (2) additional tenant spaces that remain unoccupied. Mr. Davis has indicated that the proposed use would occupy one of these tenant spaces with another future user to be determined.

Previously, Dollar Loan Center, DLC submitted a project narrative (attached) for review and consideration. This included language indicating that the previous applicant (DLC) did not engage in the business of check cashing, payday lending, or title loan lending. ***The applicant has informed City staff that DLC is no longer pursuing this site for a potential location (see attached email).***

On ***October 24, 2024, the Planning Commission held a public hearing*** on this item (Planning Commission minutes attached). After taking public comment, closing the public hearing and discussing the item with the applicant and City staff, the Planning Commission voted 3 to 2 to Table the item until November 14, 2024, to allow for additional research to be collected and understood.

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300' of the subject property prior to the October 24, 2024, public hearing. The subject property was also posted as per State Code. No responses have been received by City staff prior to or after the public hearing.

IDENTIFIED ITEMS TO CONSIDER

City staff and legal counsel have discussed the proposed application which includes a request to add a new land use for a "Non-Depository Consumer Lender" as a permitted use in the zoning district. ***The original application submitted by Wes Davis has not changed (except that the applicant informed City staff that DLC is no longer pursuing this location) since the Planning Commission tabled the item On October 24, 2024.*** We have the following comments for review and consideration:

1. The submitted project narrative indicates that banks provide credit to "prime" customers and check cashers/payday lenders/title loan lenders provide credit to "sub-prime" customers, then Dollar Loan Center's customers can be best described as "near prime". The typical Dollar Loan Center customer has a credit score between 640 to 720. The narrative also states that their product puts customers in control of their loan, and works off an amortized loan, with no prepayment penalties or fees. Please further describe the term "near prime" customer.
2. We're not experts in lending; however, it appears that potential customers may need products listed for "sub-prime" customers. How is this addressed by Dollar Loan Center?
3. The use should be better defined, if allowed. City staff and legal counsel have discussed the following terminology: Non-Depository Financial Institution not including check cashing, payday lending, or title loan lending. The project narrative submitted by Dollar Loan Center indicates that they do not offer these services. **This item was discussed at length by the Planning Commission with some members concerned that the language was too limiting for a Non-Depository Institution (see attached PC minutes).**
4. The Zoning Ordinance Text Amendment would allow for the proposed use as a permitted use throughout the City in all Planned Development Commercial, PDC Zones.
5. The proposed Zoning Ordinance Text Amendment will be decided by the City Council as it includes a legislative decision. The City Council can approve or deny the application.

STATE CODE CONSIDERATIONS

Utah State Code, Section 10-9a-205 includes requirements for land use ordinance amendments. To amend an ordinance, a City Planning Commission must hold at least one public hearing. Additionally, a public hearing to consider an ordinance amendment requires a 10-day notice which requires the date, time, and place of the public hearing. City staff has determined that all State Code requirements have been met with this application.

CITY STAFF RECOMMENDATION

On October 24, 2024, the Planning Commission held a public hearing on this item and made a **motion to Table the item by a vote of 3 to 2**. City staff recommends that the Planning Commission review the submitted Zoning Ordinance Text Amendment to determine if the application is complete. If the application is determined to be complete, City staff would recommend that the Planning Commission forward a recommendation to the City Council for their review and consideration of the Zoning Ordinance Text Amendment application subject to the following conditions:

1. That the Zoning Ordinance Text Amendment to add a new land use In the Planned Development Commercial, PDC Zone be better defined and include the following terminology: **Non-Depository Financial Institution including check cashing, payday lending, or title loan lending.**
2. That the proposed land use as defined be allowed as a permitted use in the Planned Development Commercial, PDC Zone.
3. That city staff proceed with the creation of development standards for this use to place in Chapter 17.20, Supplementary and Qualifying Regulations, of city code.

From: [Wes Davis](#)
To: [Jim McNulty](#); [Rick Schofield](#)
Cc: [Mayor](#); [Brock Jacobsen](#); [Matt Ence](#)
Subject: RE: Santa Clara Text Amendment Application
Date: Thursday, October 31, 2024 11:53:40 AM
Attachments: [image002.png](#)

Jim,

Thank you for your reply. We aren't sure what the commission is asking for- they tabled us. We provided pictures, samples from other cities, info from ownership, description of the operation, general info on client profile, etc. – not sure if the commissioners received or saw any of that.

With the proposed tenant now distancing itself from the application, which if approved, we think there is a chance we can get them back, it may modify the discussion a bit. Not sure if the commission understands the current ordinance wouldn't allow for any private lenders/hard money lenders who may want to have a retail location or non-depository mortgage companies. It didn't appear the commission completely understood they could make a motion that could be as narrow or wide as they want to include or exclude the above and or pay day, title, or check cashing loans. We do recognize you and Matt explained the options several times. The commission may need to be better educated/guided- we are willing to be part of the solution. We have also been made aware that SC city has opted to have staff remain neutral on items and simply provide general information as it pertains to meeting or the code/ordinance and a complete application. This is new to us, so we are having to wrap our heads around how we can add the most value. We are happy to assist in any way possible, we have little to go on in what we can provide that may be helpful to the discussion.

How do we also keep the topic on point? Discussion regarding the NIMBY attitude- based on whatever profile, demographic, social or cultural differences, etc. doesn't seem to be productive to the matter at hand. While the discussion is City wide and the ordinance as a whole- this site should not be treated as "special". It's another commercial site- one that the City asked to be commercial. Signs will be up on buildings, traffic will increase because of the growth and occupancy, and it may not only be affluent SC residents that go there regardless of Tenants. After months and months of work to find tenants, in an overall strong occupancy market, and having limited success based off of the economics retailers need, we are looking to place a use that is more destination driven that will bring people in and not simply rely on drive by and local traffic. This can help drive other retail uses.

We do believe the City maintained more influence and control as the ordinance was presented. The Commission didn't seem to grasp that if any other tenants wanted to come in that didn't meet the ordinance they could simply apply and the City would have the ability to vet all of them. It wasn't leaving anyone out, it simply was having them go through the same process we are now going through. After having listened to the meeting that is our perspective based on their confusion and lack of decisive action.

Thank you,

Wes Davis, MBA, MICP

Executive Sr. V.P.

Commercial Sales/Leasing/Development Services

LIC#5502820-SA00

d. 435-627-5705

wdavis@naiexcel.com



243 E St. George Blvd, Ste 200

St. George, UT 84770

naiexcel.com

"Your Commercial Agent"

From: Jim McNulty <jmcnulty@santaclarautah.gov>

Sent: Wednesday, October 30, 2024 5:24 PM

To: Wes Davis <wdavis@naiexcel.com>; Rick Schofield <nvestor@infowest.com>

Cc: Mayor <mayor@santaclarautah.gov>; Brock Jacobsen <bjacobsen@santaclarautah.gov>; Matt Ence <mence@snowjensen.com>

Subject: Santa Clara Text Amendment Application

Wes & Rick:

I'm in receipt of the email you sent on Monday, October 28th regarding the above-mentioned subject. The item was tabled by the Planning Commission until our next meeting which will be on Thursday, November 14, 2024, at 5:30 PM. Do either of you have any additional information and/or material you would like to share with the Planning Commission? If so, please get it to me by next Weds, November 6th as the Planning Commission packet will go out to members on Thursday, November 7th. Thank you.

Jim McNulty

Planning & Economic Development Manager

Santa Clara City

(435) 656-4690, Ext. 225

jmcnulty@santaclarautah.gov



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From: [Wes Davis](#)
To: [Jim McNulty](#); [Matt Ence](#); [Rick Rosenberg](#)
Cc: [Rick Schofield](#)
Subject: Santa Clara App
Date: Monday, October 28, 2024 10:40:27 AM
Attachments: [image002.png](#)

Jim,

Good morning, hope you had good weekend. We were hoping we would have heard something from the City by now regarding when we will be on the next meeting agenda or any further guidance. In the meantime, we'd like to give you an update on our end. The planning commission meeting was obviously less than welcoming. The owners of the prospective business were caught off guard by what they felt was racist and discriminatory language and rhetoric. As such, Dollar Loan Center has asked that their name be removed from the application, any city meeting records, and any further discussion in the matter. The references that the City doesn't want that type of a business or that they don't want to see that at the entrance to the city or that it will attract those types of people was a bit much.

The property owner however, does want to see this through and we plan on continuing the process. In our follow up discussion with commissioners several felt uninformed and unprepared for the agenda item. What additional information could we provide or further clarification would be helpful? If we look back 5 years ago the City made this parcel be zoned commercial when the Heritage project was coming together. This site has been completed and advertised for lease for a lengthy period of time with limited activity or interest. Several proposals have come in from financially unviable tenants or others that would not be what we felt a good use in that location. Dollar Loan Center has 60-70 locations nationwide, that increases the likelihood of it having staying power instead of the vacancy and turnover we see at the entrance of Santa Clara now. The building will have a sign no matter who goes in there- we don't understand the concern of seeing "that". This would be a bit of a destination location that its success wouldn't rely on the limited traffic on Santa Clara Dr and would actually bring more people to the area thus bolstering economic numbers. The services they provide are not for poor people or financially irresponsible borrowers, they catered to people with strong credit scores, a job, and the ability to pay back- in fact many of their borrowers have significantly above average incomes. The truth is not everyone wants to deal with a traditional lender taking months to get to a decision and jumping through a lot of hoops.

We believe there is a chance we might be able to get this current tenant back to the table if this gets approved- however they have requested to distance themselves from the process given this first interaction with the City. Their sentiment was certainly not that of a business-friendly environment. We are hoping to show them that isn't the case.

Thank you,

Wes Davis, MBA, MICP
Executive Sr. V.P.

Commercial Sales/Leasing/Development Services

LIC#5502820-SA00

d. 435-627-5705

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"Your Commercial Agent"

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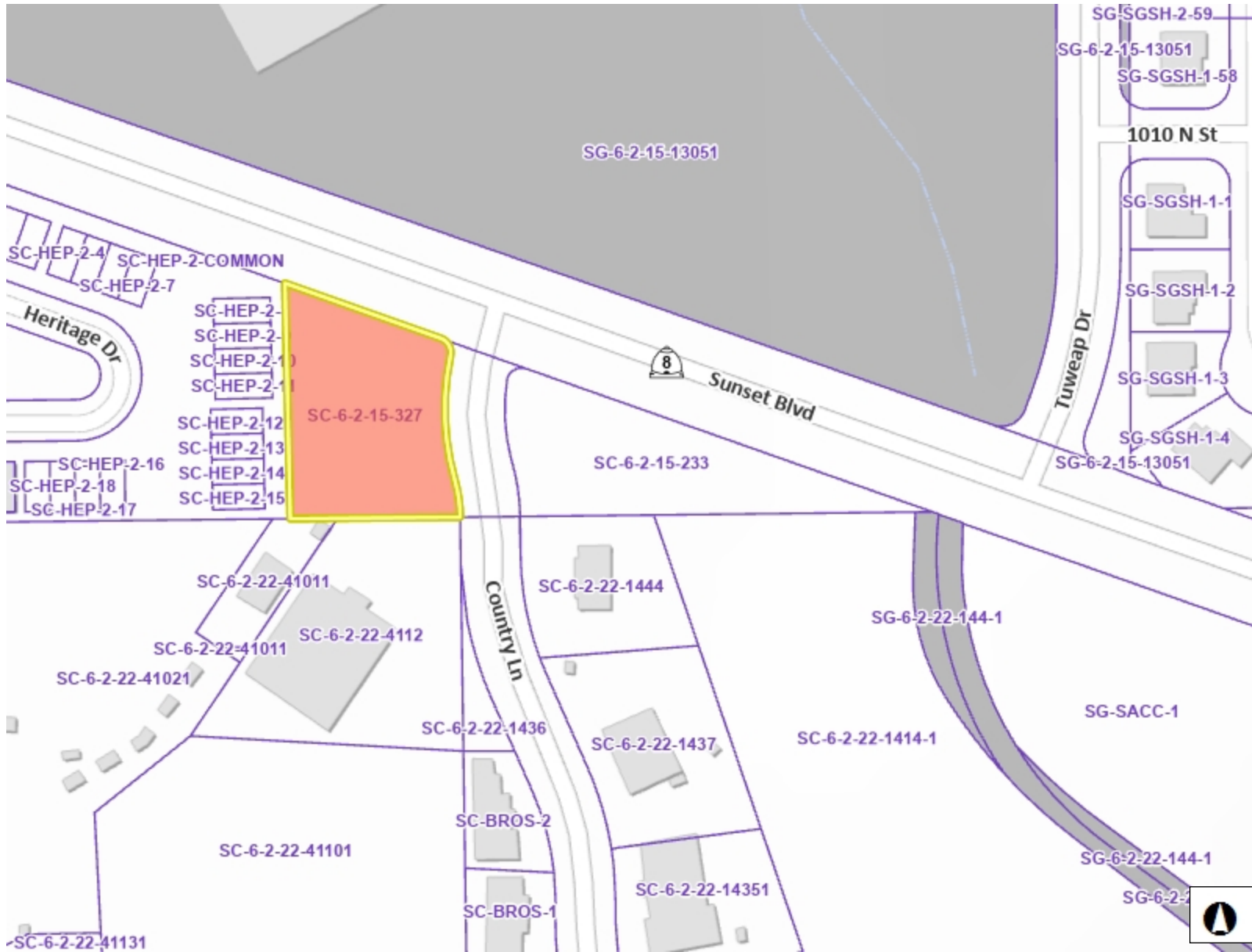
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Country Lane Commons



Legend

- Parcels
- Ownership
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wildlife
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes

Zoning Ordinance Text Amendment

376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

Temporary Use Extension Summary and Recommendation

Public Body: Santa Clara Planning Commission

Meeting Date: November 14, 2024

Current Zone: Planned Development Residential, PDR

Property Location: Pioneer Parkway and Red Mountain Drive (just north of Tuacahn Wash)

Request: Temporary Use Extension (Black Desert Resort)

Applicant Name: Patrick Manning

Staff Planner: Jim McNulty

City Staff Recommendation: Approval with conditions

Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, Patrick Manning, is requesting a **second Temporary Use Extension** for the Black Desert Resort. This request includes allowing a Maintenance Facility consisting of two (2) trailers and one (1) metal shed structure for an additional 6 months. A Site Plan has been attached showing the approved project location. Additionally, Section 17.24.100 of city code allows for temporary buildings and includes the following:

“A building nonconforming as to type or location may be approved by the Planning Commission for use as a temporary residence, sales office, or commercial or industrial building, during the construction of permanent facilities. Such temporary approval shall not be made for a period exceeding one year.

Exceptions may be granted for cause, by the Planning Commission for an additional six (6) month period, up to a maximum of eighteen (18) months, or three (3) such extensions. Temporary buildings shall be connected to all public utilities and shall meet all setback requirements unless otherwise approved by the Planning Commission.”

The Temporary Use was approved by the Planning Commission in May 2022; however, the applicant did not proceed with a building permit to put the facility in place until May 18, 2023. Therefore, the current temporary use approval expires on November 18, 2024, unless a second extension is granted by the Planning Commission. The first extension was granted by the Planning Commission on April 25, 2024.

CITY STAFF RECOMMENDATION

City staff recommends that the Planning Commission approve a second Temporary Use Extension allowing for a Maintenance Facility at Black Desert Resort subject to the following conditions:

1. That the Maintenance Facility be installed on the Property for no longer than 12 months, with up to three (3) extensions of up to six (6) months.
2. That the Maintenance Facility be removed, or another extension be requested by the applicant within 6 months.
3. That all original conditions of approval for this temporary use remain in place.



BLACK DESERT

R E S O R T

1500 E. Black Desert Drive
Ivins, Utah 84738
Mobile: (904) 535-0642
Attn: koko@blackdesertresort.com
www.blackdesertresort.com

November 4, 2024
Via email to jmcnulty@santaclarautah.gov

City of Santa Clara
Attn: Jim McNulty
Planning & Economic Development Manager
2603 Santa Clara Drive
Santa Clara, UT 84765

Re: *Request for Extension of Black Desert Temporary Maintenance Facilities Agreement*

Dear Jim:

Please accept this letter as BD Resort Center, LLC's ("Developer") exercise of the second of three 6 month extensions of the term for the continued use of its temporary maintenance facility pursuant to paragraph 3(a) of the Temporary Maintenance Facility Agreement dated June 8, 2022. Please calendar the Developer's exercise of the extension for the next Planning Commission meeting on November 14, 2024. Thank you.

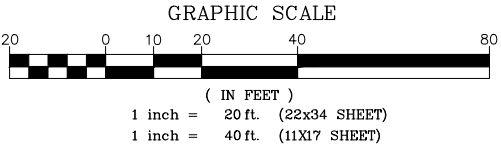
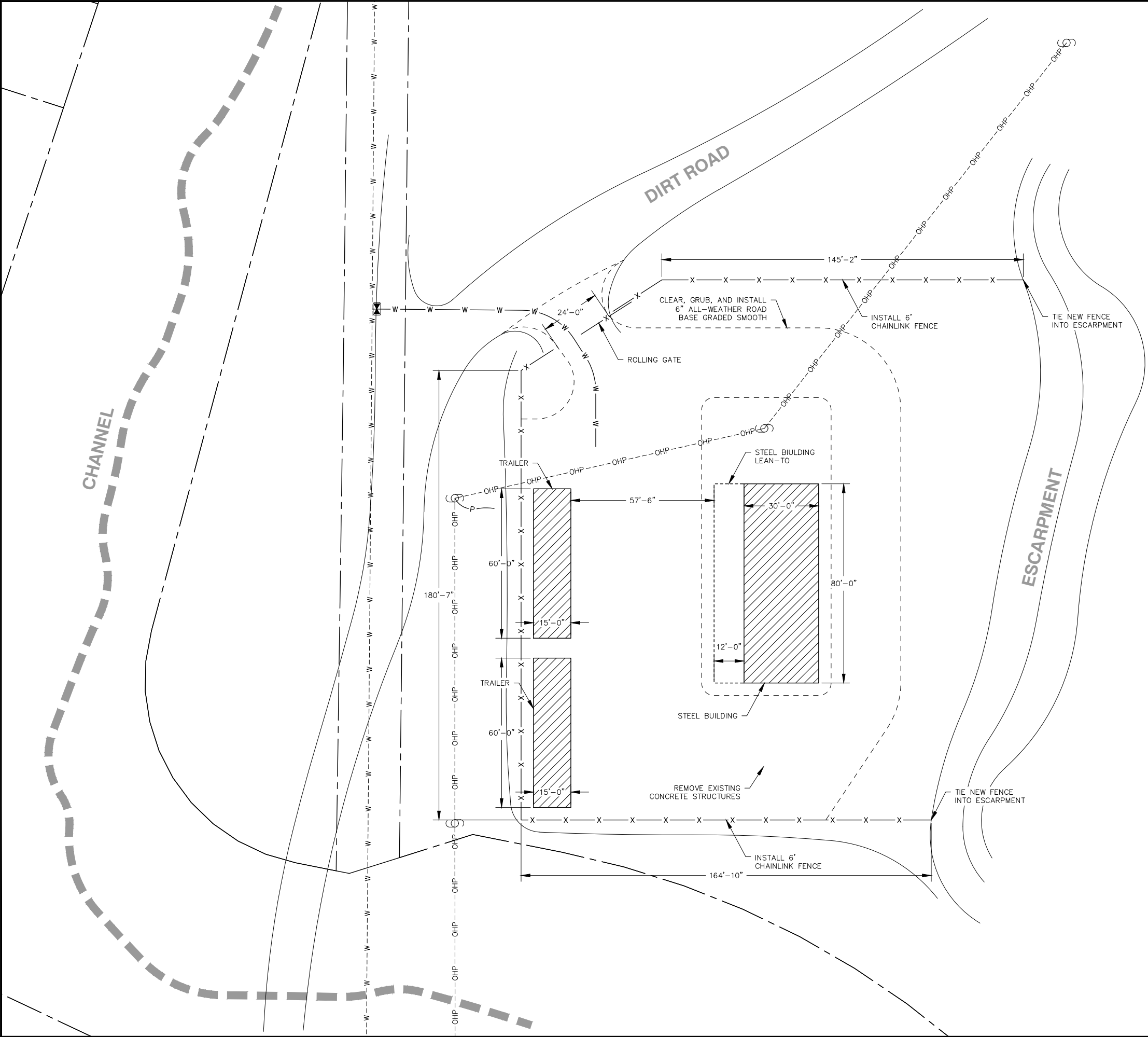
Sincerely,

Koko Head

Koko Head
Managing Counsel
Black Desert Resort

KH/dj
cc: Matt Ence
Scott Nielsen

P:\1649-09 Black Desert Golf Temporary Maintenance Area\Drawings\Construction Drawings\1649-09 MST.dwg, site, 3/21/2022 3:10:51 PM, jmadson



NO.	DATE	BY	DESCRIPTION

REVISIONS

PRELIMINARY
NOT FOR CONSTRUCTION

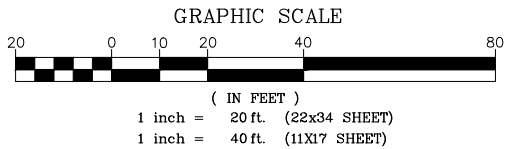
ALPHA
ENGINEERING

43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

SITE LAYOUT

TEMPORARY GOLF MAINTENANCE FACILITIES
BLACK DESERT RESORT

PROJECT #	1649-09
NAME	JTM
DATE	MARCH 14, 2022
SCALE	AS NOTED
SHEET	2
FILE	1649-19 MST.dwg





City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

Preliminary Subdivision Plat Summary and Recommendation

Public Body: Santa Clara Planning Commission
Meeting Date: November 14, 2024
Current Zone: R-1-10, Single-Family Zone & RA, Single-Family
General Plan Designation: Low-Density Residential, LDR
Property Address: 2627 Vineyard Drive
Request: Preliminary Subdivision Plat Approval
Applicant Name: Tyler & Chanelle Miller
Staff Planner: Jim McNulty
City Staff Recommendation: Approval with conditions
Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicants, Tyler & Chanelle Miller, are requesting **Preliminary Subdivision Plat Approval** for the POM Grove Estates Subdivision. This subdivision plat includes a total of two (2) single-family lots. The subject property is 0.83 acres in size. The R-1-10 Single-Family Zone requires a minimum lot size of 10,000 square feet. Lot 1 is proposed at 10,482 sq. ft. (0.24 acres). The RA Single-Family Zone requires a minimum ½ acre lot size. Lot 2 is proposed at 25,816 sq. ft. (0.59 acres). The project density equates to 2.41 dwelling units/acre.

A Property Rezoning for the subject property was considered by the Planning Commission on September 12, 2024. The Planning Commission recommended that the City Council consider approving a split zoning for the subject property. This included the R-1-10, Single-Family Zone for Lot 1, with the RA, Single-Family Zone for Lot 2. On October 9, 2024, the **City Council approved the property rezoning** (Ordinance #2024-15) as per the Planning Commission recommendation.

The applicants intend to build a single-family home on the proposed Lot 2 (flag lot). The proposed Lot 1 has an existing single-family home on the property. The preliminary plat includes information verifying the location and setbacks of the existing single-family residence on the property.

Access to the site will be provided via Vineyard Drive. This local residential street is improved to a public standard.

SITE & VICINITY DESCRIPTION

The subject property is located at 2627 Vineyard Drive. Major cross streets in the vicinity include Heights Drive, an Old Farm Road, both providing access to Santa Clara Drive.

ITEMS TO ADDRESS WITH PRELIMINARY PLAT

City staff has identified the following preliminary plat review items that need to be addressed at this time:

1. **Public Streets & Dedication:** All required public street improvements must meet city standards. Vineyard Drive has recently been improved to include new asphalt, curb, gutter, and a 4' sidewalk on each side of the road.
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.64.050, R-1-10, Single-Family Zone (Lot 1), and Chapter 17.60.050, RA, Single-Family Zone (Lot 2). The building height for both homes in this subdivision is limited to 35'.
3. **Flag Lot:** Lot 2 is a flag lot as shown on the Preliminary Subdivision Plat. A flag lot requires approval of the Planning Commission. The staff portion of the lot must front on a public street and be a minimum of 25' wide, with a maximum length of 200'. The proposed flag lot has 32.53' of public street frontage. If the Planning Commission determines that this is an efficient use of land, the applicant will be required to comply with city code requirements for a flag lot.
4. **Culinary Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to final plat recordation.
5. **Secondary Water Availability:** The applicant is required to connect/install secondary water for outdoor water use.
6. **Dust Control:** The applicant will be required to submit a dust control plan prior to final plat recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

NEIGHBORHOOD RESPONSE

Public notices are not required for a subdivision. The Planning Commission agenda has been posted in multiple locations as per State code. No comments have been received by city staff as of the writing of this report.

REVIEWING DEPARTMENTS

DEPARTMENT: *Building*

Recommendations: A geotechnical report is required for a residential building prior to building permit issuance.
Required Revisions: None at this time.

DEPARTMENT: *Parks & Trails*

Recommendations: N/A
Required Revisions: N/A

DEPARTMENT: *Police & Fire*

Recommendations: N/A

Required Revisions: N/A

DEPARTMENT: *Power*

Recommendations: Public Utility Easements (PUE's) are required to be shown on the final plat.

Required Revisions: None at this time.

DEPARTMENT: *Public Works*

Recommendations: Public Utility Easements (PUE's) are required to be shown on the final plat. All public streets must be included on the final plat. A mylar with signature blocks is required for the final plat.

Required Revisions: None at this time.

STATE CODE CONSIDERATIONS

Utah Code, Section 52-4-202 includes requirements for subdivisions. A city must hold a public meeting to consider a subdivision plat. The meeting agenda, date, time, and place of the meeting must be placed on the city website and in public locations at least 24 hours before the meeting. The city is also required to post on the State Public Notice Website. City staff has determined that all State Code requirements have been met with this application.

CITY STAFF RECOMMENDATION

City staff recommends that the Planning Commission consider granting **Preliminary Subdivision Plat Approval** for the POM Grove Estates Subdivision, subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all city reviewing departments.
2. That all required public street improvements for Vineyard Drive meet city standards.
3. That Lot 1 be required to meet the area, width, and yard regulations (building setbacks) as per Section 17.64.050 of city code. That Lot 2 be required to meet the area, width, and yard regulations (building setbacks) as per Section 17.60.050 of city code.
4. That Lot 2 be approved as a flag lot and meet the requirements of Section 16.24.080 of city code.
5. That the building height for both homes in this subdivision is limited to 35'.
6. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
7. That a secondary water system is required for outdoor water use.
8. That the applicant provides a dust control plan prior to final plat recordation.

**CITY OF SANTA CLARA
ORDINANCE NO. 2024-15**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, AMENDING THE ZONE
FROM RESIDENTIAL AGRICULTURE TO R-1-10 SINGLE FAMILY RESIDENTIAL,
ON APPROXIMATELY 0.25 ACRES, LOCATED AT 2627 VINEYARD DRIVE, BEING
A PORTION OF PARCEL NO. SC-88-A.**

WHEREAS, the applicant, Tyler Miller, owns a parcel designated on the Santa Clara City Zoning Map as Residential Agricultural (RA), located at 3063 Santa Clara Drive, on the southwest corner of Santa Clara Drive and Chapel Street, being approximately 0.83 acres and known as Parcel No. SC-88-A (the “Property”); and

WHEREAS, the Property currently has a residence, but applicant applied for a zone change from the existing zoning to R-1-10 Single Family Residential, due to applicant’s desire to subdivide the lot to create a flag lot to build a second residence on the Property; and

WHEREAS, the Planning Commission properly advertised and conducted a public hearing on the proposed zone change on September 12, 2024; and

WHEREAS, in the same meeting the Planning Commission voted to recommend to the City Council that, instead of re-zoning the entire Property, the front 0.25 acres described as “Parcel 1” in Exhibit “A” attached (hereafter “Parcel 1”) should be re-zoned, with the remaining future flag lot (“Parcel 2”) to remain in the RA zone, subject to a subsequent subdivision of the Property; and

WHEREAS, the City Council, during its regular meeting held on October 9, 2024, considered the application for the proposed zone change, the public comments received, and the minutes of the Planning Commission’s deliberations, and voted to approve the proposed zone change to Parcel 1, leaving Parcel 2 in the RA zone, subject to a subsequent subdivision of the Property consistent with Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Santa Clara City Council, State of Utah, as follows:

Section 1. Classification

This ordinance amends the Zoning Map of the City of Santa Clara, Utah.

Section 2. Amendment

The Zoning Map of the City of Santa Clara, Utah, is hereby amended to change the existing Residential Agriculture (RA) designation to Single Family Residential (R-1-10) on the portion of the Property described as Parcel 1 in Exhibit A attached.

DESCRIPTION:

A portion of Property located at 2627 Vineyard Drive, being approximately 0.25 acres and known as a portion of Parcel No. SC-163-B, and more particularly described as follows:

See Exhibit "A" attached and incorporated herein with this reference.

Section 3. Findings, Conditions

The zone amendment approved herein is subject to the following findings:

1. That the Rezoning is consistent with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Low Density Residential, LDR, 2 - 4 dwelling units per acre).
2. That the R-1-10 Single Family Residential 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 Residential.
4. 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 property;
 - 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;

h. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property.

And subject to the following condition:

1. That the applicant be required to go through the Subdivision Review process (preliminary & final plat) to establish Parcels 1 and 2 as separate legal parcels.

Section 4. Effective Date

This ordinance shall become effective immediately upon adoption, recording and posting in the manner required by law.

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 9th day of October, 2024.

IN WITNESS THERETO



Attest:


Rick Rosenberg, Mayor - *Pro Tem*
Ben Shakespeare


Selena Nez, Deputy City Recorder

Exhibit "A"

PARCEL 1

Beginning at a point on the South line of Vineyard Drive, said point being North 00°39'22" East along the Section Line 1,357.96 feet and West 874.58 feet from the Southeast corner of Section 16, Township 42 South, Range 16 West, SLB & M and running,

thence South 35°35'43" West 103.00 feet;
thence North 52°00'17" West 73.95 feet;
thence North 01°57'13" East 120.00 feet to said South line of Vineyard Drive;
thence South 54°24'17" East 140.37 feet along said South line of Vineyard Drive to the Point of Beginning.

Containing 10,817 square feet or 0.25 acres.

PARCEL 2

Beginning at a point on the Southerly line of Vineyard Drive, said point being North 00°39'22" East along the Section Line 1,357.96 feet and West 874.58 feet from the Southeast corner of Section 16, Township 42 South, Range 16 West, SLB & M and running,

thence South 54°24'16" East 34.00 feet along said Southerly line of Vineyard Drive;
thence South 03°08'43" West 235.70 feet to the Northerly edge of a concrete block wall;
thence along said Northerly edge of a concrete block wall the following (2) courses;
thence North 65°44'29" West 82.80 feet;
thence North 58°42'48" West 73.02 feet;
thence North 01°57'13" East 145.05 feet;
thence South 52°00'17" East 73.95 feet;
thence North 35°35'43" East 103.00 feet to the Point of Beginning.

Containing 25,482 square feet or 0.58 acres.



September 13, 2024

DATE:	09/13/24
JOB NO.:	14403-24
DRAWN BY:	C.G.A.
SCALE:	1"=80'
DWG:	SURVEY-EXHIBIT
REVISIONS	
DATE	



352 EAST RIVERSIDE
DRIVE, SUITE A-2
ST. GEORGE, UTAH
84793
435.673.8586
WWW.RACIVIL.COM

EXHIBIT MAP

SHEET

1

OF 1 SHEETS

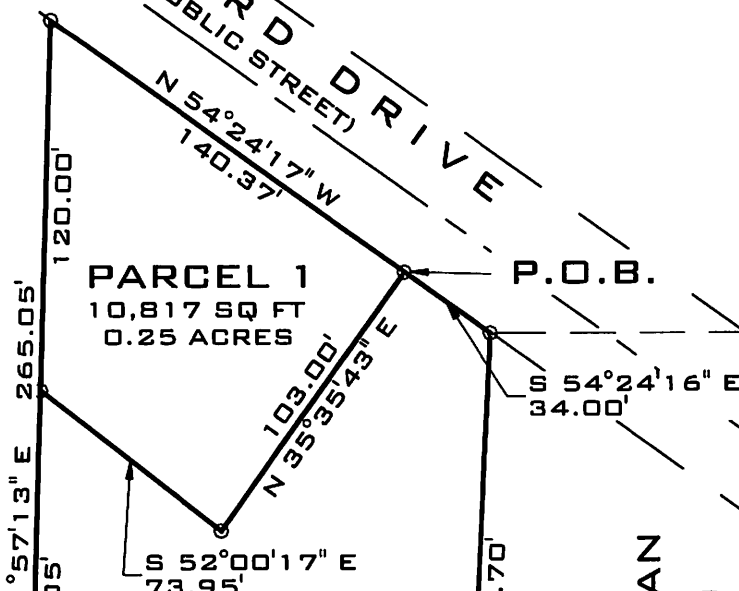
SANTA CLARA CITY PARCEL No. SC-99-A-1

MERRILEY HAFEN
PARCEL No. SC-89-A

VINEYARD DRIVE
(A PUBLIC STREET)

PARCEL 1
10,817 SQ FT
0.25 ACRES

P.O.B.



PARCEL 2
25,482 SQ FT
0.58 ACRES

KENT HARMAN
PARCEL No.
SC-CWCS-1-2-1

KENT HARMAN
PARCEL No.
SC-CWCS-1-2-1

COTTONWOOD CREEK
PHASE 1



**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, October 24, 2024**

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

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

Excused: 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: Shelly Harris.

3. Conflicts and Disclosures.

4. Working Agenda.

A. Public Hearing.

- i. Consider a Zoning Ordinance Text Amendment to Chapter 17.68.020, Allowed Uses in the Planned Development Zones. The Applicant, Wes Davis, Representing Dollar Loan Center and Country Lane Commons, LLC, is Proposing to Add a New Land Use in the Planned Development Commercial, PDC Zone. The proposed use would allow for a “Non-Depository Consumer Lender” as a Permitted Use in the Zoning District.**

Planning and Economic Development Manager Jim McNulty presented the staff report. Mr. McNulty shared that the applicant, Wes Davis, was present representing Dollar Loan Center and Country Lane Commons, LLC, and is requesting a Zoning Ordinance Text Amendment to add a new land use in the Planned Development Commercial (“PDC”) Zone. Mr. McNulty explained that the proposed land use would allow for a “Non-Depository Consumer Lender” as a permitted use in the zoning district. This would be an amendment to Chapter 17.68.020, Allowed Uses in the Planned Development Zones.

Mr. McNulty stated that the applicant plans to bring a Dollar Loan Center to the Country Lane Commons Project. The Orange Peel currently occupies a portion of the building but two additional tenant spaces are unoccupied. The Dollar Loan Center will occupy one of those spaces with another future user to be determined. Mr. McNulty explained that the applicant has submitted a project narrative for review and consideration, which includes language stating that Dollar Loan Center does not engage in the business of check cashing, payday lending, or title loan lending. Notices have been sent to property owners within 300 feet of the subject property, and the subject property was posted per State Code; however, no responses have been received by City staff.

Mr. McNulty reported that the proposed application includes a request to add a new land use for a “Non-Depository Consumer Lender” as a permitted use in the zoning district. Mr. McNulty noted the following comments for review and consideration:

1. The submitted project narrative indicates that banks provide credit to “prime” customers, and check cashers/payday lenders/title loan lenders provide credit to “sub-prime” customers. Dollar Loan Center’s customers can be best described as “near prime.” The typical Dollar Loan Center customer has a credit score between 640 to 720. The narrative also states that their product puts customers in control of their loan, and works off an amortized loan, with no prepayment penalties or fees. Please further describe the term “near prime” customer.
2. While not experts in lending; it appeared that potential customers may need products listed for “sub-prime” customers. How is this addressed by Dollar Loan Center.
3. The use should be better defined if allowed. City staff and legal counsel have discussed the following terminology: Non-depository financial Institution, not including check cashing, payday lending, or title loan lending. The project narrative submitted by Dollar Loan Center indicates that they do not offer these services.
4. The Zoning Ordinance Text Amendment would allow what is proposed as a permitted use throughout the City in all PDC Zones.
5. The proposed Zoning Ordinance Text Amendment will be determined by the City Council, as it includes a legislative decision. The City Council can approve or deny the application.

Mr. McNulty stated that City Staff recommends that the Planning Commission review the submitted Zoning Ordinance Text Amendment to determine if the application is complete. If the application is deemed complete, Staff will recommend that the Planning Commission forward a recommendation to the City Council for their review and consideration of the Zoning Ordinance Text Amendment application, subject to the following two conditions:

1. The Zoning Ordinance Text Amendment shall add a new land use in the Planned Development Commercial, PDC Zone be better defined and include the following terminology: Non-depository financial Institution not including check cashing, payday lending, or title loan lending.

2. The proposed land use as defined shall be allowed as a permitted use in the Planned Development Commercial, PDC Zone.

Chair Blake opened the public hearing.

Michelle Keltner gave her address as 963 Country Lane and reported that she shares a driveway with the subject property. She was opposed to having Dollar Loan Center there because of the kind of people it would bring into the area. She has also spoken to staff at Country Kids Daycare Center and they told her that they are against it as well. Ms. Keltner reported that Lindsay Hickman and her husband indicated that they are also opposed.

There were no further public comments. Chair Blake closed the public hearing.

Commissioner Harris stated that she is a traditional banker and asked if Dollar Loan Center would be considered a prime depository lender. She asked for clarification as to why certain types of lending, such as title loans and payday loans, are excluded from the amendment.

City Attorney, Matt Ence, explained that when the application asking for the change to the Code was received, he and Mr. McNulty thought that if the City Council wanted to make an amendment, it would be easier to make a change if the amendment is as narrow as possible. Mr. Ence explained that the language in the amendment was crafted so that, if approved, it would allow Dollar Loan Center to be located here and in other locations in the same zone throughout the City. It would, however, still exclude businesses that the public might find undesirable. Mr. Ence emphasized that this is just a proposal and should not be interpreted as any kind of endorsement.

Commissioner Harris asked about doing a similar Conditional Use for this property only. Mr. Ence explained there are pros and cons with whatever approach is taken. In the ordinance, there is language about other compatible uses but what is considered compatible is up to interpretation. Mr. Ence reported that an alternative approach would be for the Planning Commission and City Council to consider the Dollar Loan Center as a use that is compatible with the already permitted uses. However, the approach before the Planning Commission today is more specific because the ordinance would be changed to specifically describe what would be allowed and what would be excluded.

Commissioner Hunter asked why an institution that provides payday loans would not be wanted in Santa Clara, while an unsecured lender is. She felt strongly that there are people in Santa Clara who need all of these various types of loans, including payday loans.

Commissioner Whitehead reported that non-depository lenders such as the Dollar Loan Center seem to be in the same category as check cashing, payday lending, or title loan lending institutions that are being excluded in this amendment. It was his opinion that they were not that different from one another. Commissioner Whitehead agreed with concerns that the first thing a person will see coming into the City would be a Dollar Loan Center. He was not sure it was a good idea to reword the ordinance to benefit a certain business.

Commissioner Walton agreed with all that had been said so far. She asked for clarification as to whether Dollar Loan Center qualifies as a “similar financial institution” to a bank. Commissioner Whitehead explained that the difference is that Dollar Loan Center does not offer deposits. Non-depository lenders have more latitude and are not as heavily regulated. He added that non-depository

lenders usually have less traffic impact. Commissioner Hunter had similar concerns to those voiced about the zoning ordinance text amendment.

Mr. Ence stated that the ordinance does not spell out what a “similar financial institution is” but the applicant was informed that Dollar Loan Center does not qualify as a similar business, so it would not be allowed under the current ordinance.

Mr. McNulty stated that a “non-depository institution” is a financial business other than a depository institution such as a bank, credit union, mortgage lender, or savings and loan institution that is registered with the State of Utah.

The applicant, Wes Davis, reported that the neighborhood where the Dollar Loan Center will be is very aware and organized, so the fact that they are not present at this meeting in numbers would seem to indicate they are not opposed to it. He explained that there are Dollar Loan Centers all over the country, including some in the same business complex as daycare centers and they are doing very well. He struggled to understand why there are concerns about it being the first thing people see when they come to Santa Clara. They will simply see a business sign on a building. He took issue with characterizing people who use Dollar Loan Centers as undesirable people coming from outside of Santa Clara and stated that people who use it already live in the City. He added that along Santa Clara Drive there is no room for an anchor tenant, so other businesses need to be brought in. If a restaurant were put in this location instead, it would have a much bigger impact on traffic, which would affect those who live next door and who patronize the daycare center. This business will not bring much traffic, will help drive revenue, and be a support to the other small businesses there.

Chair Blake asked for clarification on how widely publicized this meeting was. Mr. McNulty stated that tonight’s meeting has been noticed for 10 days. A mailer was sent out, a narrative was put on site, and the public hearing banner was posted in front of City Hall. However, this type of meeting usually does not attract the same kind of attention as a meeting about a rezone.

Chair Blake was not concerned about this business being the first thing that is seen when driving into Santa Clara and it did not seem like this business will have a particularly negative impact in the zone. He stated that the way Santa Clara’s PD zone is written, the uses are not specific to a site. He stated that it seems atypical for a PD zone not to establish a use list for each application.

Mr. McNulty explained that conditional uses are permitted with conditions. However, he noted that currently, more and more communities are limiting conditional use. There are many more that are permitted uses. However, he was not sure how one could review this one as its own separate conditional use as a tenant space in this particular building.

Chair Blake did not feel that this particular use would be more impactful than a bank. He noted that this business would probably have less traffic than a bank because it will not have a drive-thru.

Mr. McNulty explained that in the PDC Zone, a bank or other similar financial institution is a permitted use. If the desire is to allow this business, it should be identified with a Code Amendment rather than having staff interpret on a case-by-case basis, because the Planning Commission and the City Council may not agree.

Commissioner Harris stated that Mr. Davis made a good point in that there are residents of Santa Clara who need non-depository financial institutions like Dollar Loan Center. She had concerns about excluding other non-depository institutions such as institutions that do payday loans, title loans, etc. Commissioner Whitehead noted that Dollar Loan Center is setting itself apart from those other types of lenders with the language in its application.

The representative from Dollar Loan Center, Chet Bryant, explained that Dollar Loan Center does short-term signature loans. A typical consumer may be someone who needs a loan for two days to cover their rent, or a loan to cover care for their sick pet. Some customers are people who could use a bank, except that they do not have time to wait for loan approval. Customers do not usually keep a loan out for the entire time; on average, it is less than 90 days, since they can pay the loan off anytime with no prepayment penalty. The interest rate is 199% annually, but on average, Dollar Loan Center consumers will never pay more than 40% interest. Mr. Bryant emphasized this is not a payday loan center that's behind glass. Dollar Loan Center tries to be a welcoming place that's very much like a bank for hard-working people who need to borrow money quickly.

Mr. Ence explained that the other option is to essentially approve this as a conditional use, stating that it meets the general requirement of other similar businesses and is similar to other financial institutions that are permitted under the Code. However, that would set a precedent for allowing this type of business anywhere the zone is. This is a PDC zone, so it would have an impact on the PDC zone across the City of Santa Clara. The question was whether to narrowly define the approval, or make it broader to also allow payday loan centers and other similar businesses. One option was to recommend approval of this change but remove the exclusionary language that keeps it narrow.

Commissioner Whitehead pointed out that removing the exclusionary language would approve any non-depository lending institutions and not put any restrictions on what that means. That could open the door to other businesses that Santa Clara is not ready to approve.

Mr. McNulty stated that with Conditional Use if an applicant can meet Code requirements and agrees with all of the conditions, it has to be approved.

Mr. Ence noted that in terms of ordinances, it is always better to be more specific about what is desired. Allowing a conditional use under that general catchall language would open the door to other types of businesses that might be considered by a bank like Dollar Loan Center. He added that if the Planning Commission can articulate a policy to be reflected in the ordinance, he and City staff can come up with the specific language to describe it. For example, if the Planning Commission were to approve a permitted use in the zone that would allow Dollar Loan Center as well as check cashing, and title loans, he and Staff would go to the City Council with language that reflects that recommendation. Then the City Council would make a final decision.

Commissioner Whitehead stated that if he were to make a motion, his motion would be to table this until the Planning Commission can clarify what exactly should be allowed and whether the verbiage should be narrow or broad. This is not about whether this specific business is approved or denied, but about changing the verbiage and what the future ramifications of that would be.

Chair Blake stated that the Planning Commission could make a recommendation to keep the exclusions and in the future, if one of those businesses wants to apply to come into Santa Clara, the decision could be made to remove those exclusions.

Several Commissioners indicated that they would appreciate having more information about the various types of non-depository lenders before making a decision.

Mr. Ence stated that the purpose of the Planning Commission is to be an exploratory body to make informed recommendations to the City Council. He expressed his support for the Commission taking time to do more research. He suggested letting Mr. McNulty know if there is any information that Staff or the applicant can provide to the Planning Commission to help them make their decision.

5. General Business.

A. Recommendation to City Council.

- i. Recommendation to the City Council for a Proposed Zoning Ordinance Text Amendment to Chapter 17.68.020, Allowed Uses in the Planned Development Zones. The Applicant, Wes Davis, Representing Dollar Loan Center and Country Lane Commons, LLC, is Proposing to add a new land use in the Planned Development Commercial, PDC Zone. The proposed use would allow for a “Non-Depository Consumer Lender” as a Permitted Use in the Zoning District.**

Commissioner Harris moved to TABLE the application for recommendation to consider Zoning Ordinance Text Amendment to Chapter 17.68.020, Allowed Uses in the Planned Development Zones to be modified, to allow time for additional research to be done, collected, and understood. Commissioner Hunter seconded the motion. Vote on motion: Chair Blake-No; Commissioner Harris-Yes; Commissioner Hunter-Yes; Commissioner Walton-Yes; Commissioner Whitehead-No. The motion passed 3-to-2.

- ii. Recommendation to the City Council for a proposed Amended Site Plan Review for Retail Space (Red Mountain Mercantile Store) located at 3003 Santa Clara Drive. Robert and Kimberly Sprague, Applicants.**

Mr. McNulty presented the Staff Report and stated that the applicants, Robert and Kimberly Sprague, are proposing to convert the existing single-family home located at 3003 Santa Clara Drive into retail space to be known as the Red Mountain Mercantile Store. The subject property is 0.75 acres (32,670 square feet) in size. The home is approximately 1,500 square with approximately 1,000 square feet to be utilized for business purposes. Mr. McNulty stated that the applicants intend to clean up and paint the interior/exterior of the home to allow for the proposed commercial use of property. This is one of eight homes on the National Register of Historic Places in Santa Clara City and the existing home is an example of the Utah Vernacular “Greek Revival” style home from approximately 1880 - 1910.

Mr. McNulty explained that the Heritage Commission reviewed the project on September 19, 2024, and approved the Building Use/Site Layout after careful review of the proposal and the recently adopted Historic District Design Guidelines. Mr. McNulty reported that Chapter 17.74, Historic District/Mixed Use, requires a review of the site plan layout, as well as other necessary items as needed for a commercial project. Mr. McNulty stated that the subject property is located at 3003

Santa Clara Drive and has frontage along Santa Clara Drive. An existing single-family home is located on the property, and existing single-family homes abut the east and west property lines.

Staff identified the following items that need to be addressed with the Site Plan Review:

1. **Site Plan Layout:** Vehicle access to the site will be provided off Santa Clara Drive. An existing driveway access is located to the side (east side) of the building. The private driveway is 27 feet in width with an existing 3-foot sidewalk next to the building and will provide access to four parking spaces, as well as an existing storage shed on the property. Pedestrian access to the building will be available off Santa Clara Drive (north). The footprint of the building will remain as it is.
2. **Building Colors:** The applicants intend to repaint the old, weathered wood trim (white color), as well as touching up original and historically accurate paint colors (the stucco façade is a yellow color). City staff recommends that the applicants review the Color Matrix – Exhibit B, in the Historic District Design Guidelines and be prepared to discuss with the Heritage Commission for review and approval at a future meeting.
3. **Project Landscaping:** The final landscape plan will be required to comply with *City Ordinance #24-02 (Water Efficient Landscaping & Conservation Standards)*. The Landscape Plan includes some details on existing trees, shrubs, and perennials. It appears that the submitted landscape plan meets code requirements; however, City staff will do a more thorough review prior to final approval. The two Sycamore Trees along the Santa Clara Drive property frontage will remain.
4. **Required Parking:** The project is required to have a minimum of four parking spaces for the proposed business as per Chapter 17.32. The Site Plan includes a total of four parking spaces (including 1 required ADA space) adjacent to the east side of the building off Santa Clara Drive. An ADA ramp is not required as the property is on the National Register of Historic Places.
5. **Old Stage Removal:** The applicants propose to remove an old stage located behind the existing home on the property. There is no historic value associated with this stage, and its removal will help with property clean-up.
6. **Project Signage:** Chapter 17.45 allows for signs in the Historic District. Currently, the applicant is reviewing options for project signage. The applicant will be required to go to the Heritage Commission for review and approval of all project signage at a future meeting.

Mr. McNulty reported that City staff recommends that the Planning Commission forward a positive recommendation to the City Council for Amended Site Plan Approval for retail space (Red Mountain Mercantile Store) located at 3003 Santa Clara Drive, subject to eight conditions.

The applicant, Robert Sprague made brief comments, however, the microphone was not on and his comments were not audible.

Chair Blake asked about a graphic of an aerial of the house that shows a different parking configuration. Mr. McNulty explained that the original concept for parking did not work so the parking configuration has been changed. It is correct in the site plan from Alpha Engineering, which is what is now before the Planning Commission.

Commissioner Harris pointed out that the Heritage Commission Staff Report dated August 15, 2024, shows Hayley Mayfield as the applicant. Mr. McNulty explained that Hayley Mayfield and her mother were interested originally but they were not able to agree to a lease with the owner, Steven Hafen.

Commissioner Whitehead moved to forward a recommendation of APPROVAL to the City Council on the proposed Amended Site Plan for retail space for the Red Mountain Mercantile Store located at 3003 Santa Clara Drive, contingent on the following eight conditions recommended by City Staff:

- 1. The applicants shall be required to comply with the recommendations from all City reviewing departments.**
- 2. The applicants shall be required to install site improvements that meet City standards.**
- 3. The project shall be built according to the approved Site Plan. This includes but is not limited to all items listed in the Staff Report.**
- 4. The applicants shall review the Color Matrix – Exhibit B, in the Historic District Design Guidelines, and be prepared to discuss building colors with the Heritage Commission for review and approval.**
- 5. A minimum of four parking spaces (including 1 required ADA space) shall be provided for the site as per Chapter 17.32 of City Code and the Historic District Design Guidelines.**
- 6. The final Landscape Plan shall be required to comply with City Ordinance #2024-02 (Water Efficient Landscaping & Conservation Standards). The two (2) Sycamore Trees along the Santa Clara Drive property frontage remain.**
- 7. All project signage shall comply with Chapter 17.45 of City Code. Future signage shall be reviewed and approved by the Heritage Commission as per the Historic District Design Guidelines.**
- 8. The applicant shall be required to work with the Building Official to be compliant with all Building Code requirements.**

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

6. **Discussion Items.**

A. **New Planning Commission Member**

Mr. McNulty reported that the previous night the City Council approved Josh Westbrook as a Planning Commissioner. His first Planning Commission Meeting will be November 14, 2024, and there will likely be at least four items on the agenda. The Planning Commission will not meet on November 28, 2024, as that is the Thanksgiving holiday. The Planning Commission will meet once in December as well.

7. **Approval of Minutes.**

A. **Request Approval of the Regular Meeting Minutes – October 10, 2024.**

Commissioner Harris moved to APPROVE the minutes of the October 10, 2024, Santa Clara Planning Commission Regular Meeting. Commissioner Walton seconded the motion. The motion passed with the unanimous consent of the Commission.

8. **Adjournment**

The Planning Commission Meeting adjourned at 6:50 PM.

Jim McNulty
Planning Manager

Approved: _____