



NOTICE OF PUBLIC MEETING PLANNING COMMISSION

Planning Commission
December 12, 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, December 12, 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: Koni Hunter

3. Conflicts and Disclosures

4. Working Agenda

A. Public Hearing

1. None

5. General Business

A. Planning Commission Approval

1. Wall Signs for Fresenius Kidney Care, located at 2253 Santa Clara Drive. Bradley Salay, applicant.
2. Project Plan Amendment for Meraki Greek Grill, located at 3520 Pioneer Parkway (Harmon's Building). Jeff Chapman, applicant.
3. Conditional Use Permit for Black Desert Resort gravel pit at Rock Mountain. Patrick Manning, applicant.

6. Discussion Items

A. None

7. Approval of Minutes

A. Request for Approval of Regular Meeting minutes: November 14, 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 5th day of December 2024.

Jim McNulty, Planning Director



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

Staff Report

Wall Sign Approval Summary and Recommendation

Public Body: Santa Clara Planning Commission

Meeting Date: December 12, 2024

Current Zone: Planned Development Commercial, PDC

General Plan Designation: Main Street Commercial, MSC

Property Location: West of Lamy's Restaurant, and east of Thrift/Auto Store

Request: Approval of Wall Signs for Fresenius Kidney Care

Applicant Name: Bradley Salay (Rainbow Sign & Banner)

Staff Planner: Jim McNulty

City Staff Recommendation: Approve with conditions.

Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, **Bradley Salay (Rainbow Sign & Banner)**, is requesting Wall Sign Approval for the Fresenius Kidney Care Building located west of Lamy's Restaurant, and east of the Thrift/Auto Store. The Santa Clara City Sign Ordinance, Chapter 17.44, states that wall signs are allowed in the Planned Development Commercial, PDC Zone subject to Planning Commission approval. The Fresenius Kidney Care Building is 6,400 square feet in size. The Site Plan approval for this project was reviewed by the Planning Commission on March 9, 2023. The building is nearing completion (exterior improvements complete) with interior improvements underway. The anticipated grand opening will be spring 2025.

Two (2) wall signs are proposed for the building. Chapter 17.44.090(C) of the city code indicates that wall signs may not exceed 10% of the total square footage of the wall on which it is placed. The applicant has provided calculations which indicate that 10% would allow for wall signs much larger than what's being proposed for the building. The **north building elevation wall sign is proposed at 46.53 square feet**, with the **east building elevations wall sign proposed at 63.3 square feet**. The wall signs include white internally illuminated raceway mounted branding and letters. The proposed wall signs meet the standards as per Chapter 17.44 of the city code.

ISSUES OF CONCERN/PROPOSED MITIGATION

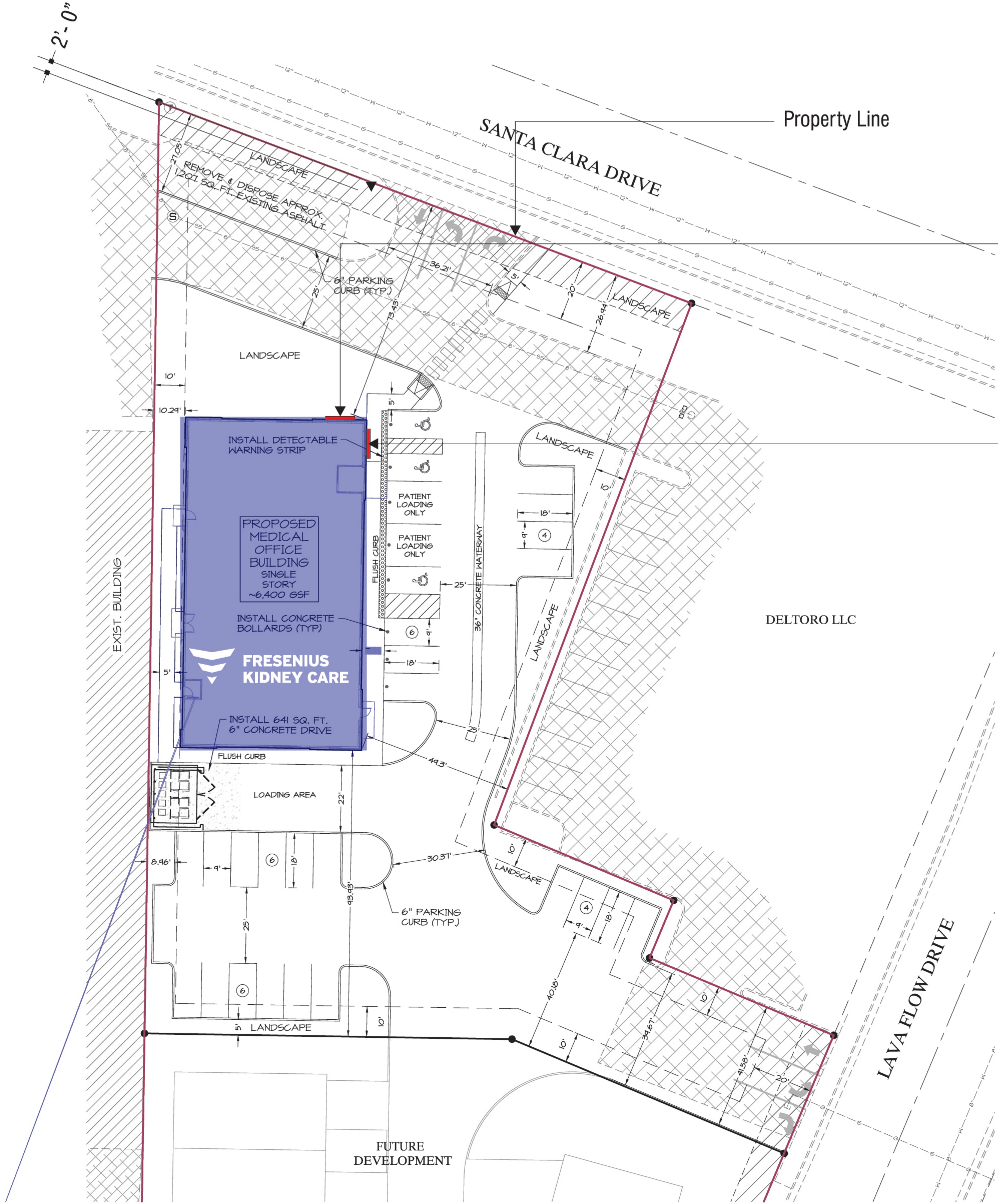
No items of concern have been identified for this application.

CITY STAFF RECOMMENDATION

City Staff recommends that the Planning Commission approve the proposed Wall Signs for the Fresenius Kidney Care located west of Lamy's Restaurant, and east of the Thrift/Auto Store, subject to the following conditions:

1. That the north building elevation wall sign be allowed at 46.53 square feet with white internally illuminated raceway mounted branding and letters.
2. That the east building elevation wall sign be allowed at 63.3 square feet with white internally illuminated raceway mounted branding and letters.
3. That a building permit be applied for and obtained prior to placement of the wall signs on the building.

DocuSigned by:
Michael Riendeau
4A570CE3FE454AF...



Face Lit Channel Letters on
a Raceway.

Face Lit Channel Letters on
a Raceway.

SITE PLAN



CODE:

Wall signs may be placed upon any side of a building in a commercial zone in the eastern entrance to the city on Santa Clara Drive, east of the city office. Wall signs may be allowed in a planned development commercial zone subject to planning commission approval as part of the planned development zone approval.

C. Maximum Allowed: The area of a wall sign regardless of where on the building it is placed shall be no greater than ten percent (10%) of the total square footage of the wall on which the wall sign is placed.

1. Signs on a mansard roof will be considered to be a part of the wall sign, and calculated as a part of the

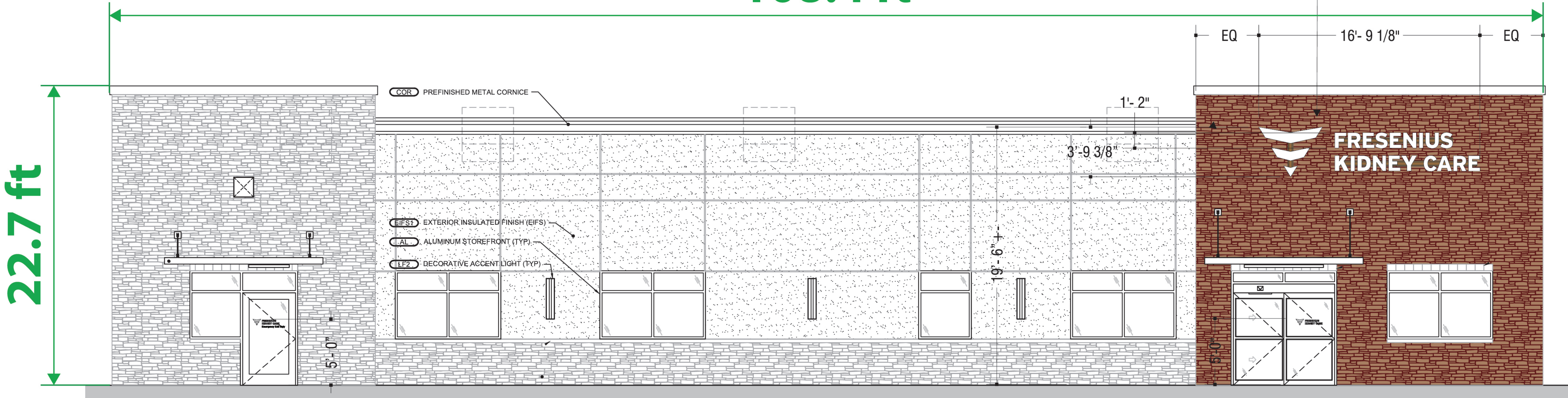
DocuSigned by:

Michael Riendeau

4A570CE3FE454AF...

Face Illuminated Raceway Mounted Letters installed on a stone veneer wall. Reference Drawing PK2400340B for fabrication specifications.
Area = 63.3 Sq. Ft.

108.4 ft



EAST ELEVATION

Scale: 1/8" = 1'-0"

ACCOUNT: **FRESENIUS KIDNEY CARE Loc. No. 101474**

LOCATION: **2253 Santa Clara Dr. - Santa Clara, (Sunset), UT**

ACCT.REP: **M. Arroyo**

DESIGNER: **MAK**

DATE: **6/14/24**

COMPANION FILES



REVISIONS:

A	-	INITIALS & DATE:	-
B	-		-
C	-		-
D	-		-
E	-		-
F	-		-
G	-		-
H	-		-

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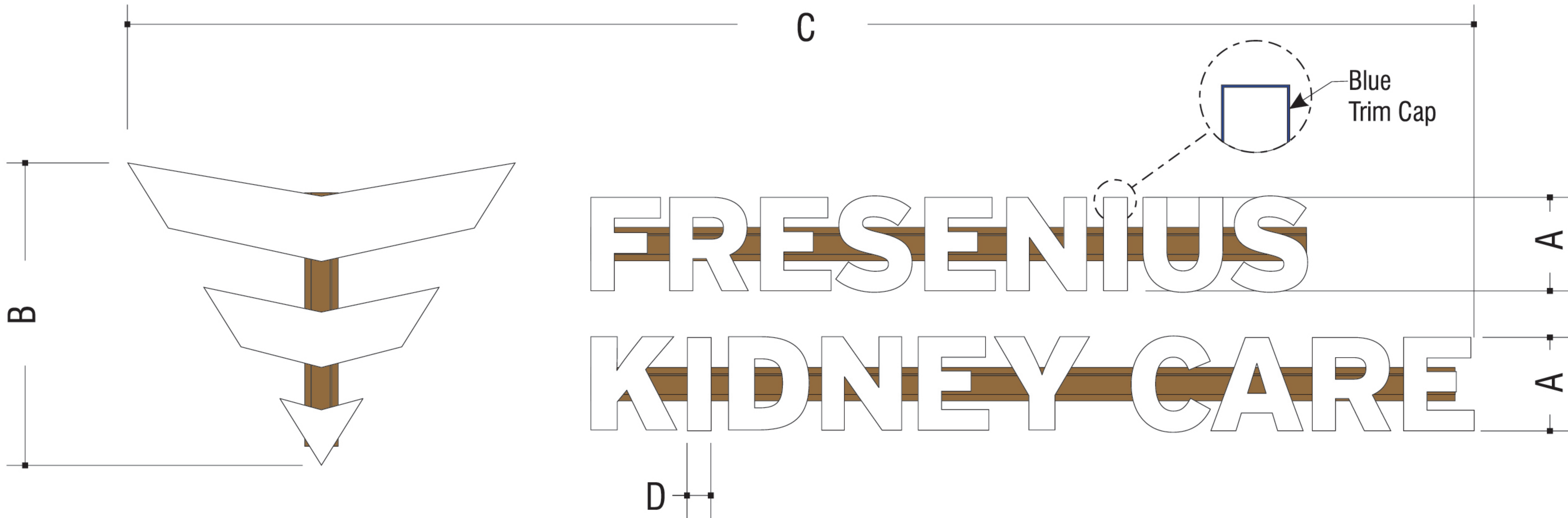
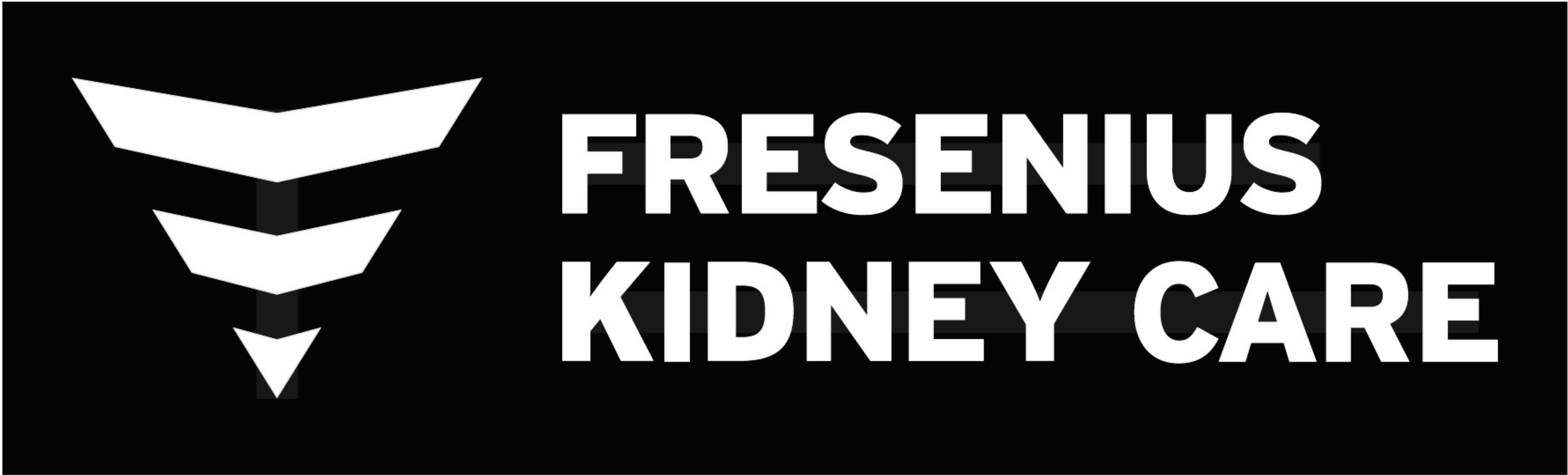
Phone: 920.458.4394
www.pscokieffer.com

PK2400340A

DocuSigned by:

Michael Riendeau

4A570CE3FE454AF...



NIGHT VIEW

STACKED LETTER SET LAYOUT

(2) Letter Sets Required

N. T. S.

VARIOUS SIZES

SIGN TYPE	A	B	C	D	White Border	SQ. FT.
LL-14SWRW	14"	3'- 9 3/8"	16'- 9 1/8"	3 9/16"	NA	63.3

Reference Drawings 14LL-SWRW for fabrication specifications

COLOR SCHEDULE

Letter Faces

☐ White Acrylic

COLOR SCHEDULE

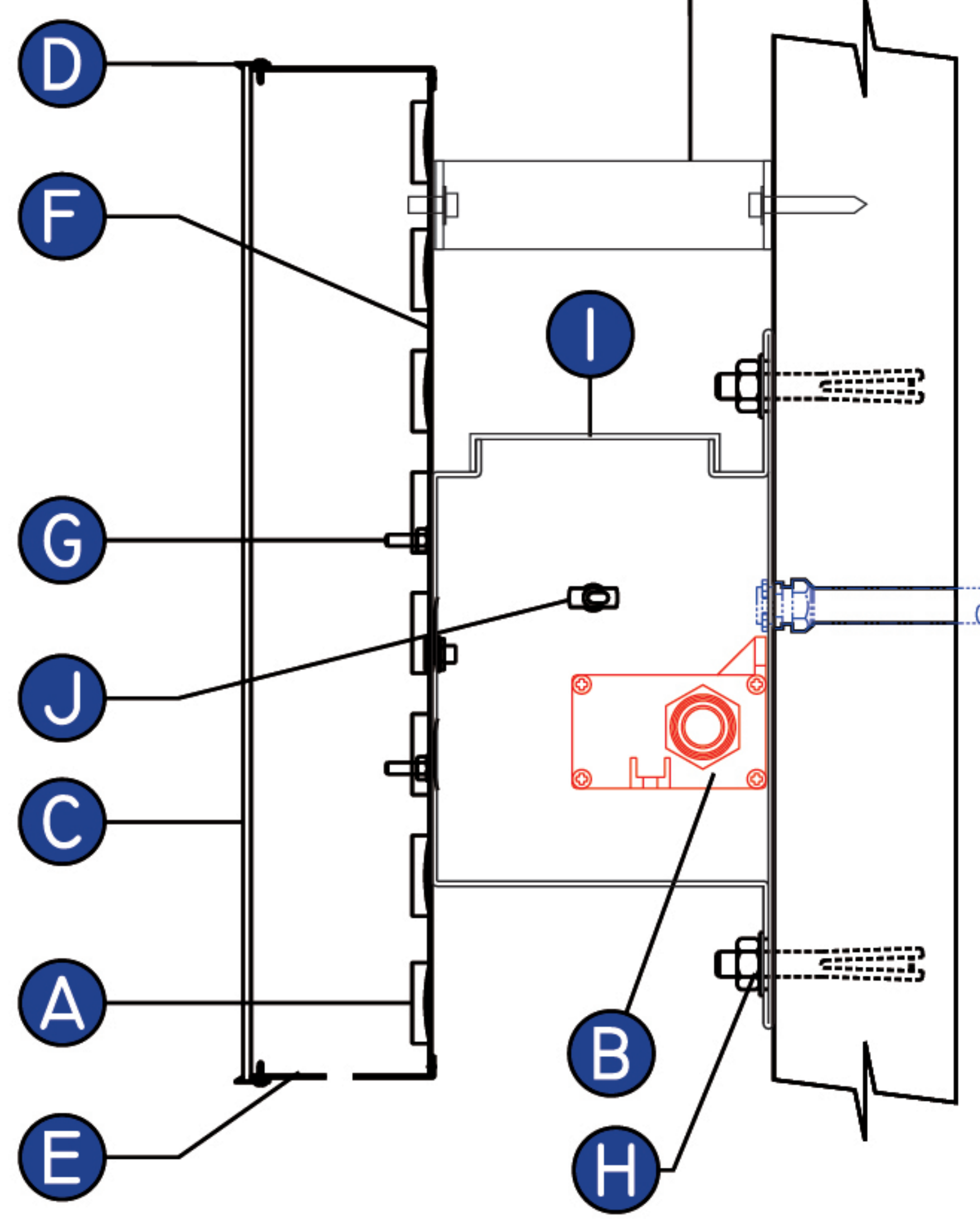
Raceway



Paint to Match Stone Veneer.

LED Illuminated Channel Letters
RACEWAY

LOGO STABILIZER, MOUNT TO LOGO WITH 1/4"-20 RIVNUT / BOLT, WALL FASTENER BY INSTALLER
PAINTED TO MATCH FASCIA.



General Vertical
Section View

A	ILLUMINATION	LED TYPE	PER MANUFACTURING
		COLOR	WHITE
B	POWER SUPPLY TYPE		PER MANUFACTURING
C	FACE	MATERIAL	3/16" ACRYLIC
		COLOR	#7328 WHITE
D	RETAINER	VINYL	NA
		TYPE	JEWELITETRIM CAP
E	RETURN	SIZE	1"
		COLOR	#2495 INTENSE BLUE
F	BACK	MATERIAL	.040 x 3.3" COIL
		COLOR	HERON BLUE PRECOAT
G	MOUNTING	DEPTH	3"
		MATERIAL	ACM
H	RCWY MTG	COLOR	WHITE
		TYPE-MAIN	1/4"-20 NC STUD
I	RACEWAY	TYPE-2ND	#8 TEK FASTENER
		TYPE	PER WALL CONDITIONS
J	SWITCH	LENGTH	T.B.D.
		SIZE	BRAKE-FORMED 4"x5"
		COLOR	TO MATCH FASCIA
		TYPE	DISCONNECT/TOGGLE
		LOCATION	RACEWAY END CAP

*WEEP HOLE(S) PER MFG. STANDARDS
*CAULK REQUIRED
*UL LISTED PRODUCT
*ALL ELECTRICAL OUTS LOCATED FOR RACEWAY APPLICATION

Note: UL labels must be visible at all times by UL standards and local city requirements.

ACCOUNT: FRESENIUS KIDNEY CARE Loc. No. 101474

LOCATION: 2253 Santa Clara Dr. - Santa Clara, (Sunset), UT

ACCT.REP: M. Arroyo

DESIGNER: MAK

DATE: 6/14/24

COMPANION FILES



REVISIONS:

A
B
C
D
E
F
G
H

INITIALS & DATE:

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Phone: 920.458.4394
www.pscokieffer.com

PK2400340B

CODE:

Wall signs may be placed upon any side of a building in a commercial zone in the eastern entrance to the city on Santa Clara Drive, east of the city office. Wall signs may be allowed in a planned development commercial zone subject to planning commission approval as part of the planned development zone approval.

C. Maximum Allowed: The area of a wall sign regardless of where on the building it is placed shall be no greater than ten percent (10%) of the total square footage of the wall on which the wall sign is placed.

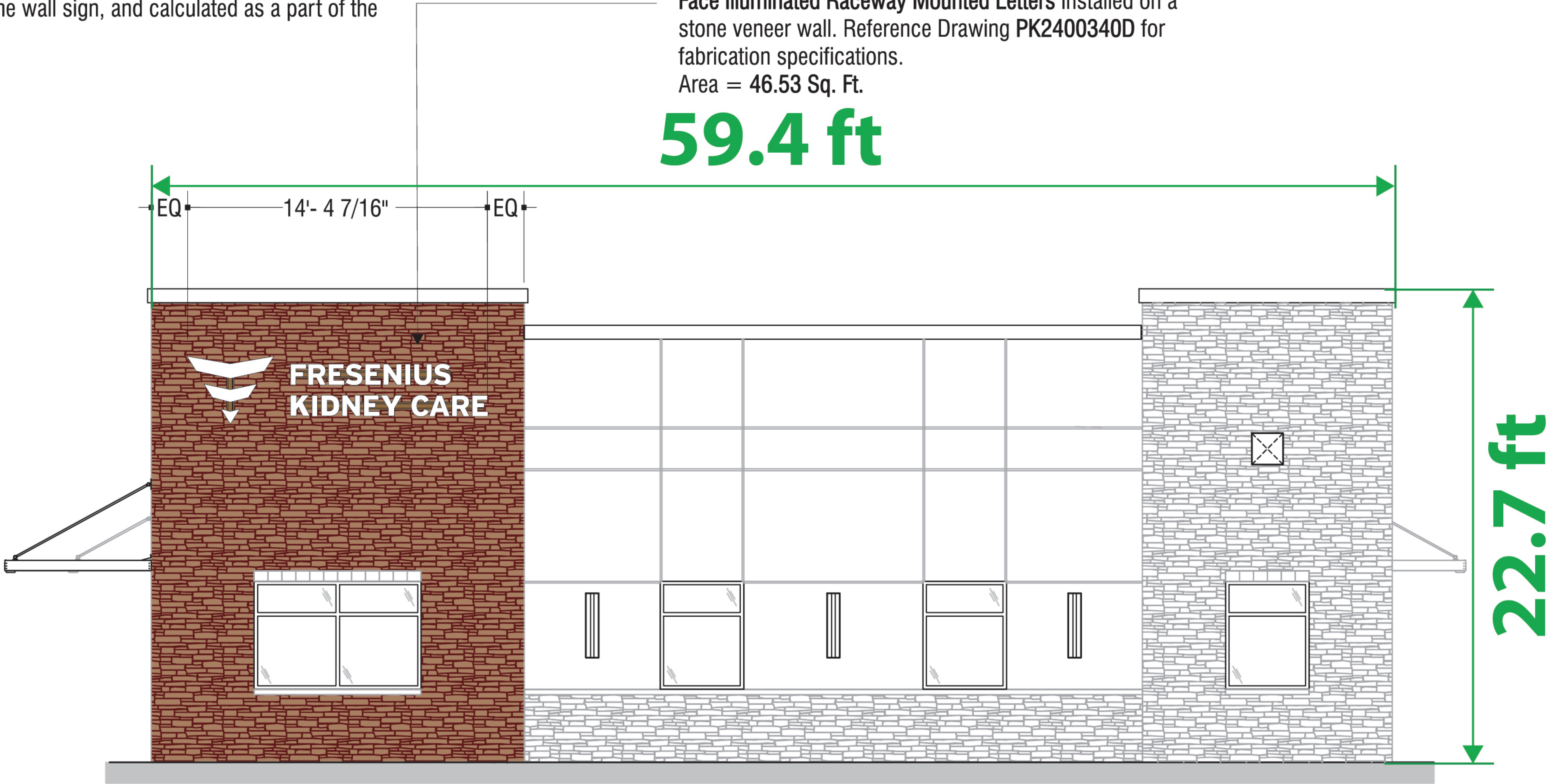
1. Signs on a mansard roof will be considered to be a part of the wall sign, and calculated as a part of the

DocuSigned by:

Michael Riendeau

4A570CE3FE454AF...

Face Illuminated Raceway Mounted Letters installed on a stone veneer wall. Reference Drawing PK2400340D for fabrication specifications.
Area = 46.53 Sq. Ft.



NORTH ELEVATION

Scale: 1/8" = 1' - 0"

ACCOUNT: FRESENIUS KIDNEY CARE Loc. No. 101474

LOCATION: 2253 Santa Clara Dr. - Santa Clara, (Sunset), UT

ACCT.REP: M. Arroyo

DESIGNER: MAK

DATE: 6/14/24

COMPANION FILES



REVISIONS:

A	-	-
B	-	-
C	-	-
D	-	-
E	-	-
F	-	-
G	-	-
H	-	-

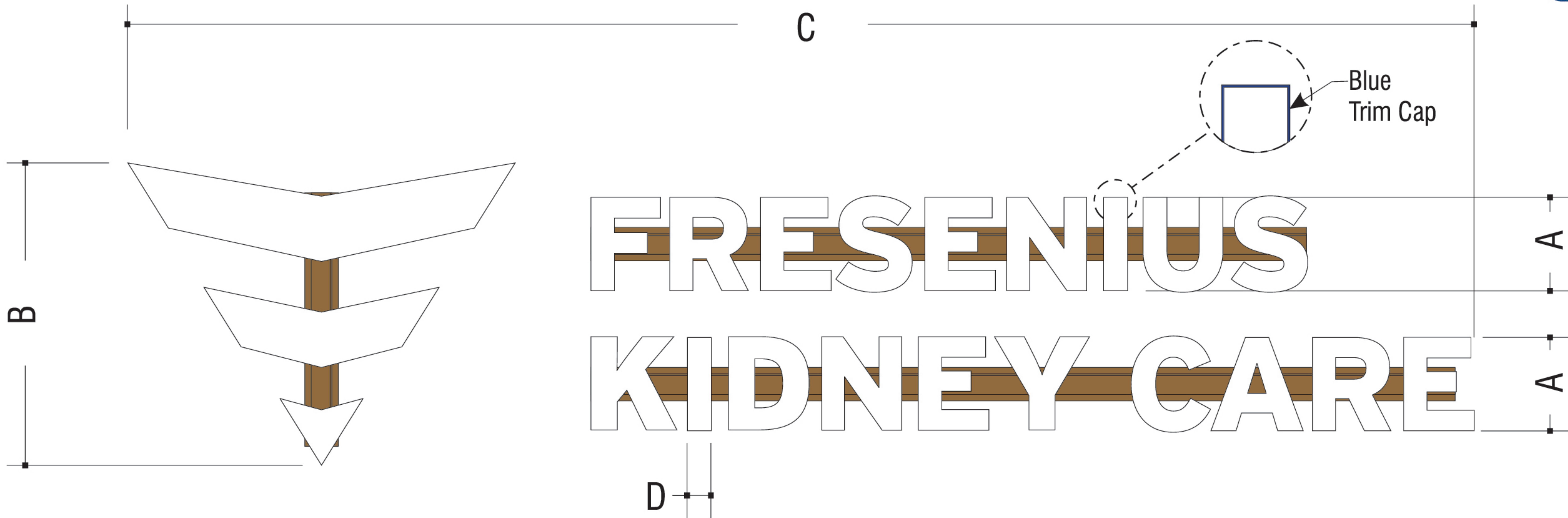
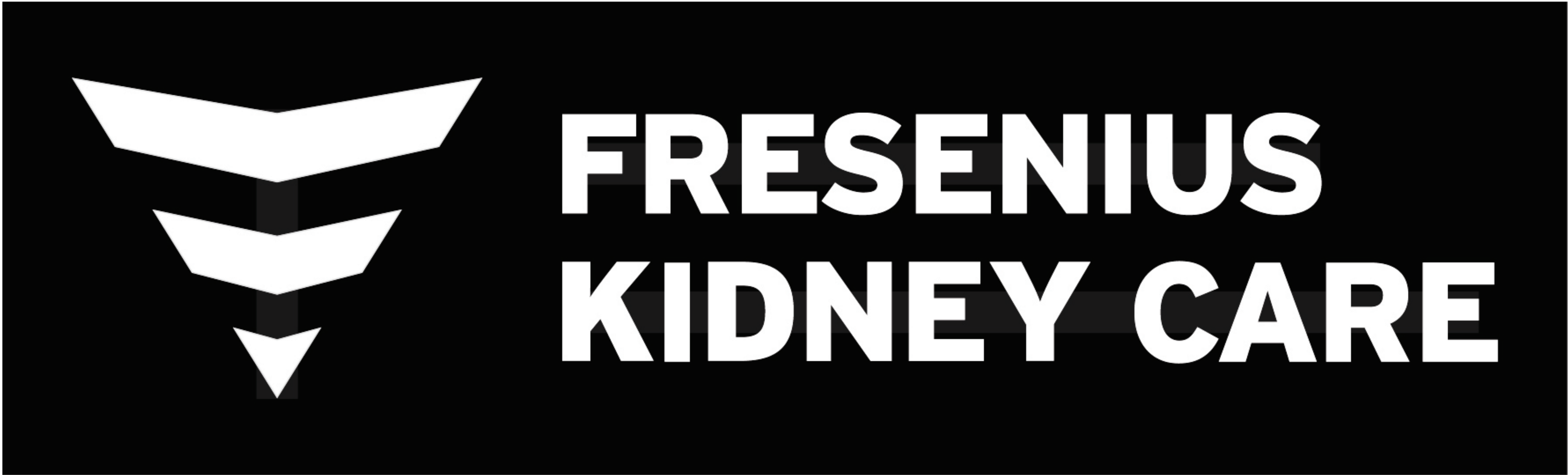
INITIALS & DATE:

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Phone: 920.458.4394
www.pscokieffer.com

PK2400340C

DocuSigned by:
Michael Riendeau
4A570CE3FE454AF...



NIGHT VIEW

STACKED LETTER SET LAYOUT

(2) Letter Sets Required

N. T. S.

VARIOUS SIZES						
SIGN TYPE	A	B	C	D	White Border	SQ. FT.
LL-12SWRW	12"	3'- 2 3/4"	14'- 4 7/16"	3 1/16"	NA	46.53

Reference Drawings 12LL-SWRW for fabrication specifications

COLOR SCHEDULE

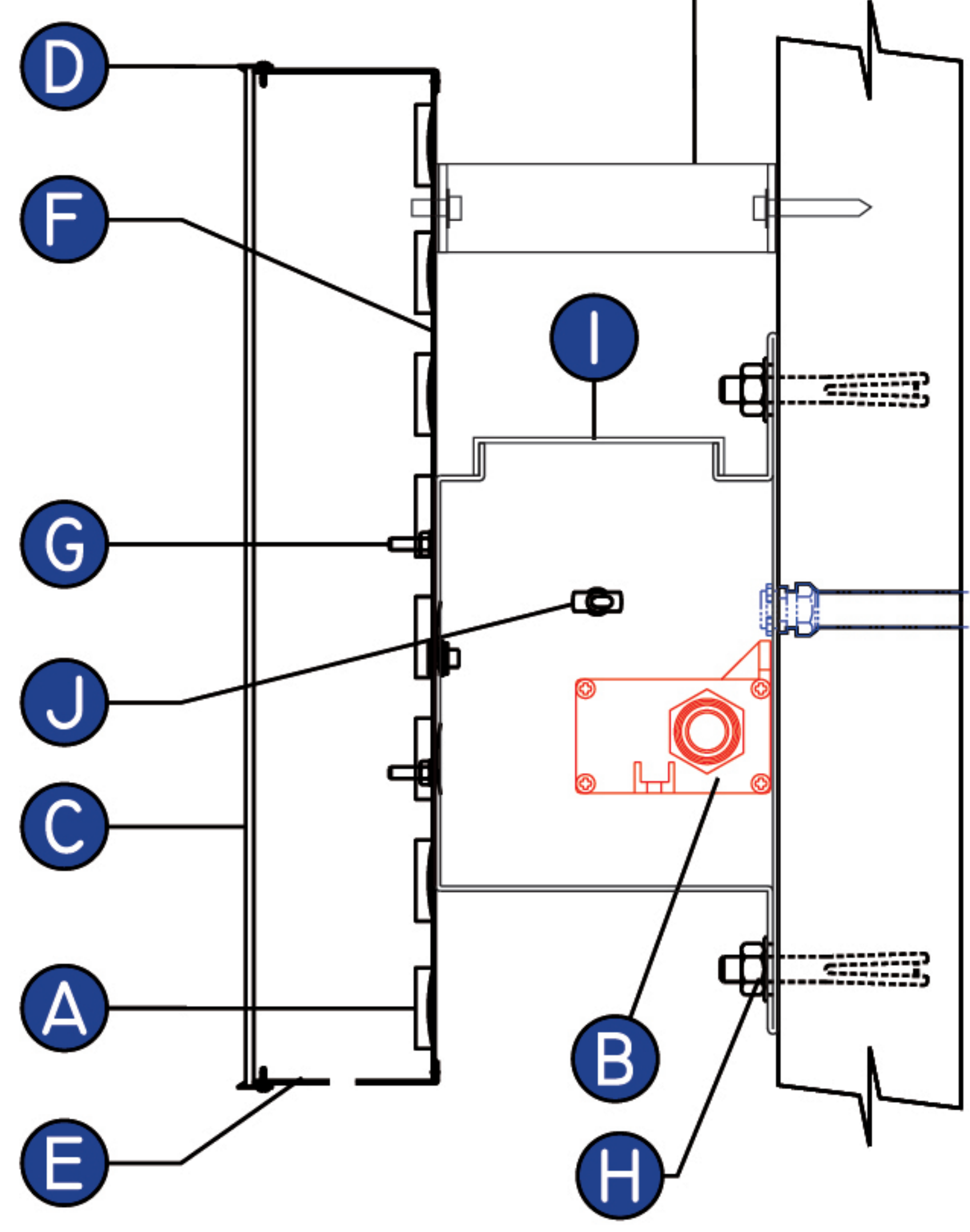
Letter Faces
☐ White Acrylic

COLOR SCHEDULE

Raceway
 Paint to Match Stone Veneer.

LED Illuminated Channel Letters
RACEWAY

LOGO STABILIZER, MOUNT TO LOGO WITH 1/4-20 RIVNUT / BOLT, WALL FASTENER BY INSTALLER
PAINTED TO MATCH FASCIA.

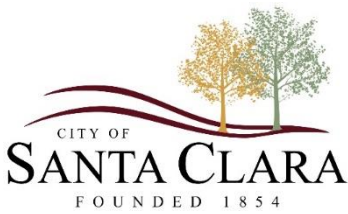


General Vertical Section View

A	ILLUMINATION	LED TYPE	PER MANUFACTURING
B	POWER SUPPLY	COLOR	WHITE
C	FACE	TYPE	PER MANUFACTURING
D	RETAINER	MATERIAL	3/16" ACRYLIC
E	RETURN	COLOR	#7328 WHITE
F	BACK	VINYL	NA
G	MOUNTING	TYPE	JEWELITETRIM CAP
H	RCWY MTG	SIZE	1"
I	RACEWAY	COLOR	#2495 INTENSE BLUE
J	SWITCH	MATERIAL	.040 x 3.3" COIL
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		DEPTH	3"
		MATERIAL	ACM
		COLOR	WHITE
		TYPE-MAIN	1/4-20 NC STUD
		TYPE-2ND	#8 TEK FASTENER
		TYPE	PER WALL CONDITIONS
		LENGTH	T.B.D.
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		TYPE	DISCONNECT/TOGGLE
		LOCATION	RACEWAY END CAP

*WEEP HOLE(S) PER MFG. STANDARDS
*CAULK REQUIRED
*UL LISTED PRODUCT
*ALL ELECTRICAL OUTS LOCATED FOR RACEWAY APPLICATION

Note: UL labels must be visible at all times by UL standards and local city requirements.



SANTA CLARA CITY
2603 Santa Clara Dr.
Santa Clara, UT 84765
(435) 656-4690 Fax: (435) 879-5298

Permit #: _____

Fee: _____

SIGN PERMIT APPLICATION

Fee: \$2 per sq. ft.

Address of Sign Location: 2253 Santa Clara Drive, Santa Clara UT 84765
Name of Business: Fresenius Kidney Care Phone #: 435-628-5107
Sign Company: Rainbow Sign and Banner Phone #: 435-628-5107
Sign Co. Address: 181 East Riverside Dr. State License #: 290762-5501

Type of Sign:

☐ Monument (low profile) Sign
☒ Wall Sign
☐ Free-standing Sign
☐ Temporary Sign (max. length - 30 days) Display dates: from _____ to _____

Total Square Footage of Sign: 109.83 for 2 signs (63.3 & 46.53) Value of Sign: \$3000

Two copies of the following are required to process permit application:

ALL SIGNS:

1. Accurately dimensioned, scaled drawings showing height, color, square footage, dimensions, sign composition, type of illumination, and how the sign will appear from the street.
2. Details of sign construction
3. Electrical schematics

MONUMENT & FREE-STANDING SIGNS (in addition to All Signs requirements):

1. Plot plan showing relationship of sign to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.
2. Number of acres.
3. Length of lineal frontage of property.

WALL SIGNS (in addition to All Signs requirements):

1. A profile drawing showing how the sign will appear from the street/parking area and on the building. Drawing must show all existing signs on wall faces and proposed sign(s).

TEMPORARY SIGNS (in addition to All Signs requirements):

1. Plot plan showing relationship of sign(s) to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.

- ◆ **Sign(s) may NOT be installed until permit is issued**
- ◆ **Incomplete applications will not be accepted**
- ◆ **Planning & Zoning approval may be required before application can be processed.**

Print Applicant Name: Bradley Salay

Signature of Applicant: Bradley Salay Date: 11/7/24

Date Approved: _____ By: _____ Application Fee: _____

Ordinance - 17.44.050: TYPES OF SIGNS:

Wall Signs:

Wall signs may be placed upon any side of a building in a commercial zone in the eastern entrance to the city on Santa Clara Drive, east of the city office. Wall signs may be allowed in a planned development commercial zone subject to planning commission approval as part of the planned development zone approval.

1. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or © on the building it is placed shall be no greater than **ten percent (10%)** of the total square footage of the wall on which it is placed.
2. Signage on a mansard roof will be considered to be a part of a wall sign, and calculated as part of the total square footage allowed.

Window Signs:

1. Merchants may advertise special sales with temporary signs on the inside or outside of the windows provided that they do not cover the complete window in which they are placed.
2. Window signs are not intended to be displayed for long periods of time, but rather for a short sale period not to exceed thirty (30) days in duration.

Banners on Private Property:

Banners shall be permitted on a temporary basis on private property in the commercial and commercial corridor areas subject to the following:

1. No more than one banner per street front may be displayed at any one time on any business property;
2. A permit shall be issued by the city staff for any banner request and no specific banner may be approved for an event such as a business opening for a period longer than thirty (30) days before the opening advertised and for thirty (30) days after. The location of the banner shall be approved by the city staff;
3. No banner may be approved to be placed on any building in excess of the percentage of the building for which wall signs may be approved. **Ten percent (10%)**

Temporary Signs:

Temporary signage has a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales and campaign signs of a noncommercial nature. Temporary signs are installed on a property but are not a part of the permanent land use on the property and are not intended to be displayed for a long period of time. However, a temporary sign must be well maintained at all times or it may be subject to removal or cited as a violation of this chapter.

1. **Temporary signs shall not exceed six (6) square feet in area or four (4) feet in height.**
2. Temporary signs are permitted in any zone, provided that they are located a minimum of two feet (2') behind the property line. Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days proceeding a general, local government or special election, up to three (3) temporary signs may be placed on any one parcel of property, all of which must comply with the size, color, and placement standards of this title.
3. **A temporary sign advertising a subdivision or housing project may be used for a period of time not to exceed one year, unless extended by city staff.**
 - a. The temporary sign shall not exceed four feet by eight feet (4' x 8') in size, or a total of thirty two (32) square feet.
 - b. Such signs must be removed when the project is sold out or completed.
 - c. Only one temporary advertising sign may be erected per development project unless there are several access roads serving the project, in which case the planning commission may determine the total number of signs to be allowed.
4. **Real estate property for sale or lease signs shall be no more than four feet by eight feet (4' x 8') in size and shall not exceed thirty two (32) square feet in area.**
 - a. The top of the sign or supporting members shall not exceed eight feet (8') in height above the ground level.
 - b. All such signs shall be a minimum of two feet (2') inside the property line.
 - c. A sign permit for this type of sign shall not be required. Such signs shall be removed within thirty (30) days of sale or lease taking place.

TO VIEW FULL ORDINANCE GO TO www.sccity.org - MUNICIPAL CODES AND ORDINANCE TITLE 17:44 SIGNS



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

Staff Report

Project Plan Amendment Summary and Recommendation

Public Body: Santa Clara Planning Commission

Meeting Date: December 12, 2024

Current Zone: Planned Development Commercial, PDC

General Plan Designation: Main Street Commercial, MSC

Property Location: 3520 Pioneer Parkway

Request: Project Plan Amendment (Meraki Greek Grill) @ Harmon's Center

Applicant Name: Jeff Chapman

Staff Planner: Jim McNulty

City Staff Recommendation: Approval with conditions

Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, **Jeff Chapman (Chapman Construction)**, is requesting a Project Plan Amendment for the proposed Meraki Greek Grill. The existing Harmon's Shopping Center development commenced in 2014-2015 (Site Plan attached). Several pad sites have developed on the site as well and include retail tenants such as Café Rio, Mo Bettah's, Tag-N-Go carwash and many others. The most recent building to be constructed on Pad A includes Beans and Brews, Roxberry, Club Pilates, and Great Clips. The Harmon's store is the anchor tenant for this site.

The **proposed Meraki Greek Grill** would be located within the Harmon's building (east end of building). The Meraki Greek Grill would occupy the last retail space available and adjacent to the Sleepbetter Mattress Store.

Section 17.68.070 of city code allows for Project Plan Amendments and includes the following:

"The Planning Commission may approve an amendment to a previously approved project plan if: the proposed amendment does not alter any approved site development regulations of the plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout."

A proposed Site Plan (**Sheet 1**) has been included. The changes to the site would include removal of a drive-thru aisle and queuing area for vehicles constructed in 2022 for a proposed BYU Creamery. However, a permit to finish the interior space of this unit was never pursued. At this time, the Meraki Greek Grill is proposing a covered outdoor dining area (**18' x 38', 684 square feet – see attached narrative**) to be put in place along the east side of the building. A Floor Plan and Building Elevation (**Sheets 101 & 201**) have also been submitted.

Request: Project Plan Amendment

These drawings include details for the covered outdoor dining area. The remainder of this area will be landscaped as per the submitted plans. If approved, the applicant will be required to work with the Building Official to obtain a permit addressing these changes.

PROPOSED SITE REVISIONS

City staff discussed this proposal with the applicant at a recent TRC meeting. The applicant intends to remove the drive-thru aisle and queuing area for vehicles next to the building and replace it with a covered outdoor dining area along the east side of the building. It was decided that the applicant could proceed with the proposed application to amend the Project Plan as per city code.

CITY STAFF RECOMMENDATION

City staff recommends that the Planning Commission approve the Project Plan Amendment for the proposed Meraki Greek Grill subject to the following conditions:

1. That the applicant (Chapman Construction) be allowed to remove the drive-thru aisle and queuing area for vehicles on the east end of the building. Also, that any reference to the drive-thru aisle or directional arrows painted on the asphalt in this area be removed.
2. That the applicant (Chapman Construction) be allowed to put in a covered outdoor dining area and landscaping as per the approved drawings.
3. That the applicant provides water efficient landscaping in compliance with city ordinance #2024-02.
4. That the applicant be required to obtain a building permit before work commences.

With the following finding:

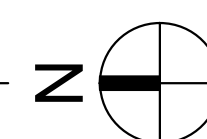
1. The amendment does not alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

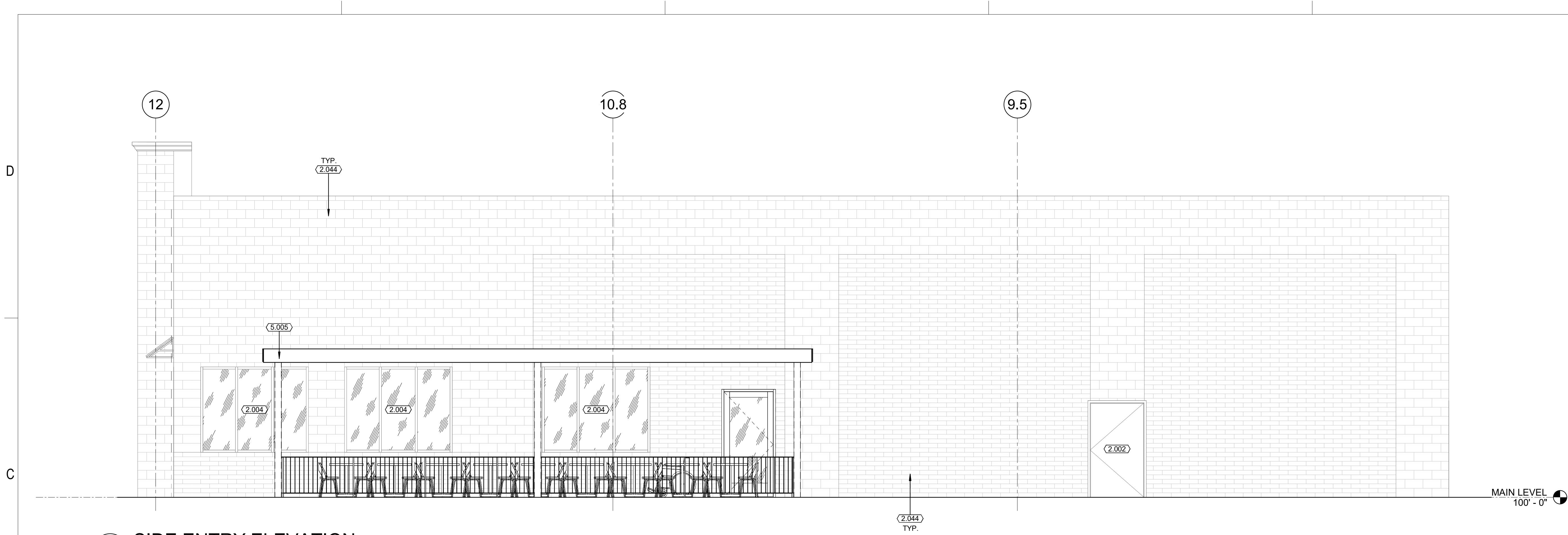
A

2.043	EXISTING COLUMN TO REMAIN
5.005	COLUMN/CANOPY PER MANUFACTURER. COORDINATE WITH OWNER.
8.006	INSTALL DOUBLE ACTION SALOON DOOR PER MANUF. SPECS.
8.007	PASS-THRU OPENING. REFER TO DETAIL AS/AE501 FOR HEIGHTS.
10.022	36" RANGE. OWNER PROVIDED
10.023	UNDERCOUNTER REFRIGERATOR. OWNER PROVIDED
10.024	REACH-IN UNDERCOUNTER FREEZER. OWNER PROVIDED
10.025	GAS CONVECTION OVEN. OWNER PROVIDED
10.026	FOOD PREP TABLE. OWNER PROVIDED
10.027	GAS CHARBROILER, COUNTERTOP. OWNER PROVIDED
10.028	UNDERCOUNTER REFRIGERATED CHIEF BASE. OWNER PROVIDED
10.029	TUBE FIRED GAS WATER HEATER. OWNER PROVIDED
10.030	ELECTRIC ICE MACHINE. OWNER PROVIDED
10.032	PIZZA/SANDWICH PREPARATION REFRIGERATION. OWNER PROVIDED
10.033	DISPLAY CASE. OWNER PROVIDED
10.034	SINK/FOOD PREP TABLE. OWNER PROVIDED
10.035	BEVERAGE/CONDIMENT DISPENSER & PREP STATION
10.036	DISHWASHER. OWNER PROVIDED
10.037	GYRO COOKER. OWNER PROVIDED
21.001	FIRE EXTINGUISHER. SEE DETAILS
22.003	HAND SINK. SEE PLUMBING

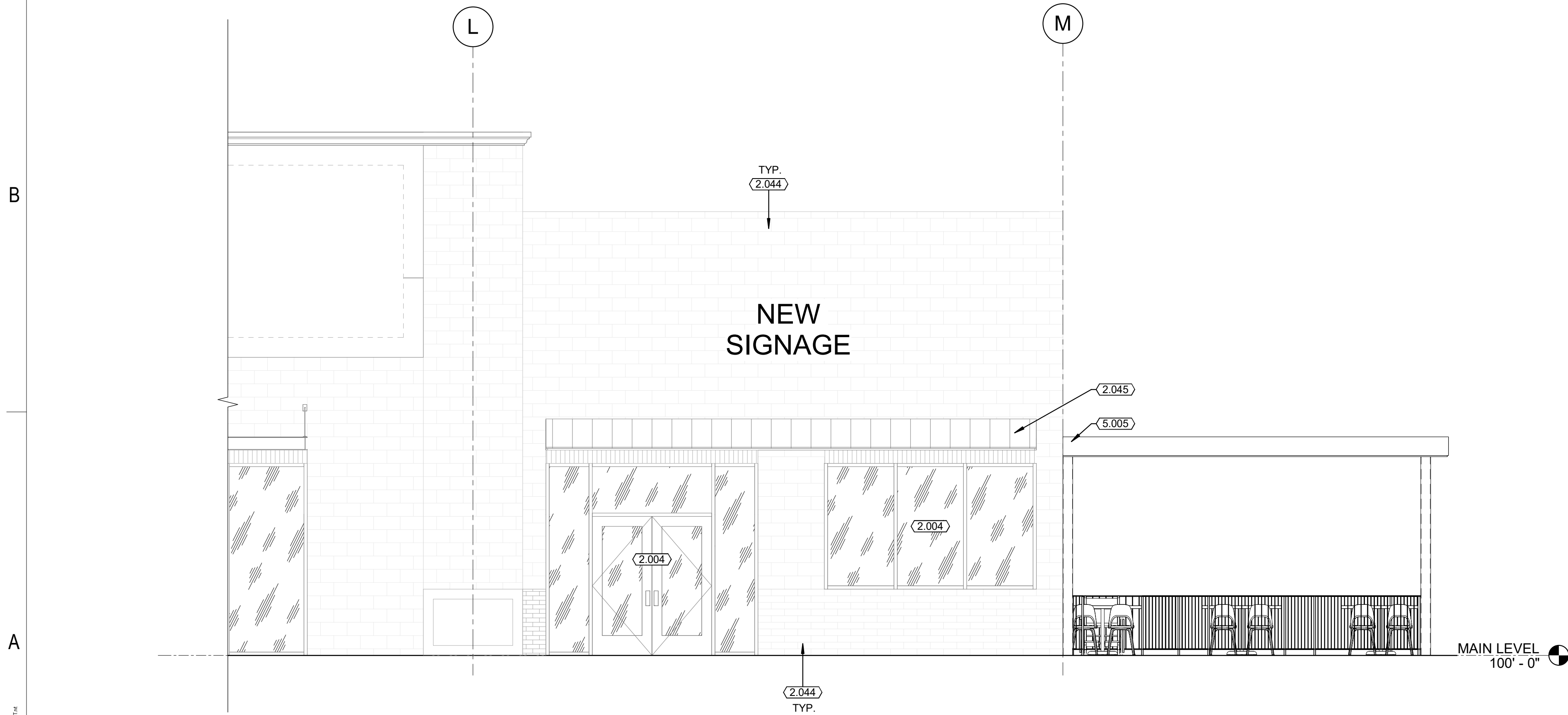
AE101

A1 MAIN LEVEL DIMENSION PLAN
1/4" = 1'-0"

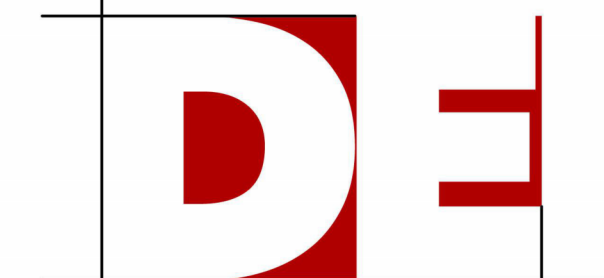




C1 SIDE ENTRY ELEVATION
1/4" = 1'-0"



A1 MAIN ENTRY ELEVATION
1/4" = 1'-0"



DESERT EDGE
architecture

720 S. RIVER ROAD BLDG D SUITE 2100B
ST. GEORGE, UTAH 84790



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230 N 1680 E BLDG. V
ST. GEORGE, UT 84770 435.674-4800 T

MERAKI GREEK GRILL TI

3478 PIONEER PKWY
SANTA CLARA, UTAH 84765

STAMP



ISSUE TYPE: 100% PERMIT SET
DATE: 2024-10-28

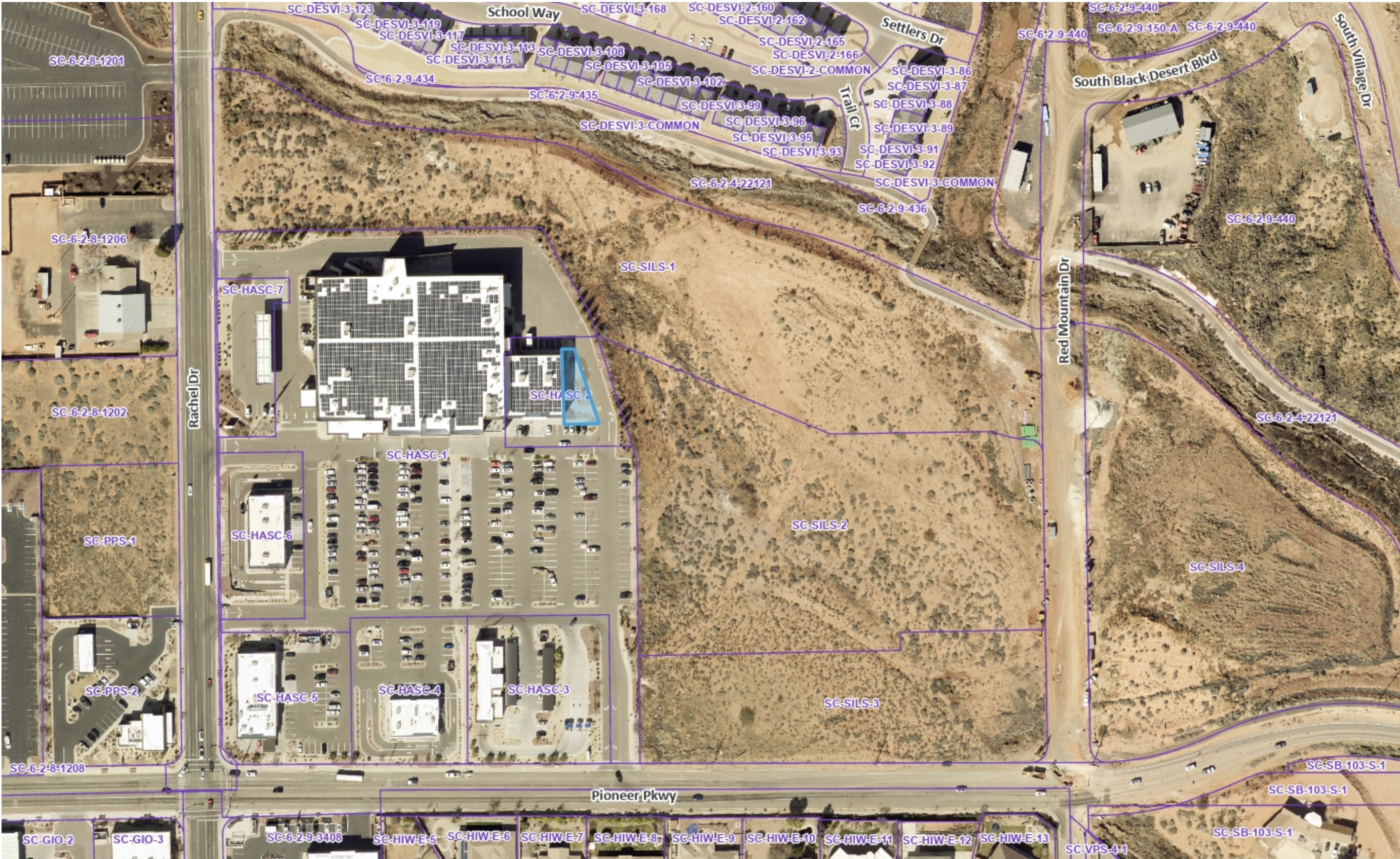
PROJECT NUMBER:
DRAWN BY: CM
CHECKED BY: SB

EXTERIOR
ELEVATION

AE201



Project Area Map - Meraki Greek Grill



Legend

Parcels

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wilde
- 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

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.

Date: December 3, 2024

To: Jim McNulty
Planning & Economic Development Manager
Santa Clara City
2603 Santa Clara Drive
Santa Clara, Utah 84765

From: Jared W Bates, PE, CFM
Principal Engineer

Subject: **Meraki Greek Grill**
Project Plan Amendment
Project Number: 6136-24-003

This document has been prepared for Chapman Construction in support of the proposed Meraki Greek Grill restaurant located at 3480 Pioneer Parkway, adjacent to the existing Harmon's store in Santa Clara, Utah. The proposed project includes tenant improvements within the existing building structure, utility improvements, new signage, removal of the existing drive through window, and construction of an 18' x 38' (684 sq ft) outdoor dining area. The outdoor dining area will be constructed with a concrete slab, metal awning structure, and metal railing around the perimeter. Access to the dining area will be provided with a new door in place of the existing drive-through window. The footprint of the dining area will not exceed the limits of the existing drive through access area. Construction of the proposed outdoor seating area will require demolition of existing concrete flatwork, asphalt, curb, and landscaping and will require earthwork and placement of new concrete flatwork, asphalt, curb, and landscaping. The proposed asphalt and curb should closely match the locations and elevations of the original site improvements that existed prior to the current drive through. Proposed landscaping should closely match the existing landscaping adjacent to the project site.



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

Staff Report

Conditional Use Permit Summary and Recommendation

Public Body: Santa Clara Planning Commission

Meeting Date: December 12, 2024

Current Zone: Planned Development Residential, PDR

Property Location: East of Red Mountain Drive, and west of Entrada (Black Desert Resort)

Property Size: 19.50 Acres

Request: Conditional Use Permit Approval

Applicant Name: Patrick Manning

Staff Planner: Jim McNulty

Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, **Patrick Manning**, is requesting a **Conditional Use Permit for a gravel pit** within the Black Desert Resort. The gravel pit operation will be limited to the **“Rock Mountain” area as shown in Exhibit A** (see attached application, approximately 19.50 acres). The applicant intends to use the rock and gravel material for road base within Black Desert Resort; however, the remaining material will be sold and removed from the site. **Exhibit B** includes current **photos of the subject property** included in the Conditional Use Permit application. The removal of “Rock Mountain” will allow for the area to blend in with the rest of the Black Desert Resort.

The Planning Commission will recall that a **Conditional Use Permit** was approved on June 13, 2024. This application included construction staging, landscaping/temporary nursey location, rock saw location, and storage of materials for construction for the entire Black Desert Resort (approximately 297 acres in Santa Clara). A separate Conditional Use Permit is required for the proposed gravel pit activities at Rock Mountain (approximately 19.50 acres).

The **South Village @ Black Desert Subdivision** was approved on May 25, 2023, by the Planning Commission, and on June 21, 2023, by the City Council. The Final Subdivision Plat, which includes 40 large single-family lots adjacent to the golf course, was recorded in February 2024. Currently, public improvements are being installed for the subdivision.

GENERAL STANDARDS FOR CONDITIONAL USES

Chapter 17.40.055 indicates that a **Conditional Use shall be approved** if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. The following standards must be met in order to mitigate the reasonably anticipated detrimental effects, if imposed as a condition of approval:

A. Noise:

1. **Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses.** *The applicant has indicated that the only noise generated at the Rock Mountain site is limited to typical earth moving and rock crushing activities occurring during a typical workday. Similar noise has occurred on the property for several years.*

B. Dust:

1. **Comply with all air quality standards, State, Federal and local.** *The applicant states that the Rock Mountain site where activity is occurring is subject to the same Dust Mitigation Plan as is summarized in the SWPPP for South Village at Black Desert Subdivision.*
2. **Use shall not create unusual or obnoxious dust beyond the property line.** *Dust control measures will be used to stabilize soil from wind erosion and reduce dust by construction activities. Water sprayed from water trucks must be done at a rate such that water is absorbed in the soil. There will be continuous daily visits from watering trucks that also service the construction at the resort site to minimize any dust generated by construction staging, landscaping, and traffic from vehicles at the Rock Mountain site so that compliance with air quality standards is maintained. Sprinklers have been installed to constantly water aggregate prior to crushing operations in addition to the water trucks watering all roads and other areas where activity is taking place.*

C. Odors:

1. **Comply with all air quality standards, State, Federal and local.** N/A
2. **Use shall not create unusual or obnoxious odors beyond the property line.** N/A

D. Aesthetics:

1. **Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone.** *The applicant has indicated that most of the activity at the Rock Mountain site will not be visible to the surrounding community due to site topography. Where the site is visible, the height of the rock hides the crushing operations as it lowers the height of the stored rock. Over a period of time, Rock Mountain will go away.*

E. Safety:

1. **Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.** *The applicant indicates that employee and public safety are a top concern. No hazardous materials are stored at the Rock Mountain site and public access is prohibited. All drivers hauling rock offsite via Red Mountain Drive to Pioneer Parkway will be provided with training to avoid pedestrians and bicyclists in the area. Additional signage advising drivers of pedestrians and bicyclists in the area will be placed at the intersection of the access road coming from Rock Mountain and Red Mountain Drive, and at the intersection of Red Mountain Drive and Pioneer Parkway. Additionally, warning signs for the area near the bike/pedestrian path which crosses Red Mountain Drive will be put in place alerting users that work trucks are present.*

Request: Conditional Use Permit

F. Traffic:

1. **Traffic increases due to the conditional use shall not cause street or nearby intersection to fall more than one grade from the existing level of service grade or fall below a level of service "C".** *The applicant indicates that much of the crushed rock product will be used on the Black Desert Resort. However, the anticipated maximum truck traffic entering and leaving the Rock Mountain site will vary depending upon the tonnage being generated. The maximum tonnage to be created is 3,000 per week, which equates to 120 truckloads per week. Any offsite sales and transportation of rock will leave the Rock Mountain site and travel south along Red Mountain Drive to Pioneer Parkway only. There will be no trucks hauling rock that will use Affirmation Drive to exit the property.*

G. Height:

1. A building's height and scale shall fit into the overall context of the surrounding area. N/A
2. Photo simulations may be required by City staff or Planning Commission showing all sides of the building(s) and showing how the building fits into the surrounding area, including its relationship to nearby ridges, hills, and buildings. N/A

H. Hours of Operation:

1. **Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.** *The applicant has indicated that activities at the Rock Mountain site will occur during a typical workday (Monday thru Friday only, excluding weekends). During the summer months (April through October) this would be from 7:00 AM to 7:00 PM MDT, and during the winter months (November through March) this would be from 8:00 AM to 5:00 PM MST.*

I. Utility Capacity:

1. Utility capacity is sufficient to support the use at normal service levels. N/A

J. Public Health:

1. Use shall comply with all Sanitation and Solid Waste Disposal Codes. N/A
2. Use shall not create public health concerns. N/A

POINT OF SALE REQUIREMENT

City staff have discussed this matter with the applicant. Since the point of sale of the rock and road aggregate produced at Rock Mountain will be located within Santa Clara City limits, Black Desert Resort will be required to follow the guidelines set forth in the Sales and Use Tax Guidance published by the Utah State Tax Commission (Publication 25, Rev. 5/24, attached).

CITY STAFF RECOMMENDATION

City staff recommends that the Planning Commission review the submitted Conditional Use Permit application to determine if the application is complete. The Planning Commission may approve, modify, and approve, or deny the Conditional Use Permit application. If the application is determined to be complete, City staff would recommend that the Planning Commission consider approving the Conditional Use Permit subject to the following conditions:

Request: Conditional Use Permit

1. That the proposed gravel pit as identified on Exhibit A (Rock Mountain Area, approximately 19.50 acres), and submitted photos in Exhibit B, be allowed to conduct site activities as identified in the staff report.
2. That the applicant be required to comply with all Noise, Dust, Aesthetics, Safety, Traffic, and Hours of Operation requirements identified in the staff report as per Chapter 17.40.055.
3. That the applicant be required to follow the guidelines set forth by the Utah State Tax Commission (publication 25, Rev. 5/24) for point of sale of rock and road aggregate produced at Rock Mountain.
4. That the applicant be required to apply for a Conditional Use Permit yearly if the gravel pit operation continues.
5. That the applicant be required to submit an updated project overview/narrative on a yearly basis.
6. That the Conditional Use Permit be reviewed upon legitimate complaint.

And subject to the following findings:

1. The use will not be detrimental to the health, safety, welfare, or aesthetics, or detrimental to property or improvements in the area.
2. The proposed use complies with the regulations of Chapter 17.40.055.
3. The proposed use is in harmony with the intent and purpose of the General Plan.



RECEIVED
NOV 26 2024
SN

APPLICATION FOR A CONDITIONAL USE PERMIT

AS PROVIDED BY THE CITY OF SANTA CLARA, UTAH, ZONING ORDINANCE

Filing Fees: \$200.00

DATE: 11/26/2024

The undersigned applicant is the owner of the following legally described property: (Give exact legal description to include Section, Township, Range, Lot Subdivision, Street Address, Business Name):

See attached Exhibit A.

Attach a plot plan, drawn to scale, of the property involved showing the following information:

1. Prepare site plans and elevations;
2. Show existing and proposed buildings, fences, and general landscape layout;
3. Show parking, loading areas, and automobile circulation;
4. Show any existing and proposed signs, lighting;
5. Show vicinity map (major/minor streets, intersections, neighboring subdivisions, and relative location within the city), drainage plan and topography of irregular land;
6. Include any other pertinent information.

Are there any deed restrictions affecting the use of the property involved? Give the expiration date of these restrictions:

The area is subject to a development agreement with the City of Santa Clara. There are restrictions related to the no-disturbance conservation areas which are not affected.

Would the proposed use be materially detrimental to the surrounding property:

No. These proposed temporary uses will be for the period of development and construction of the site and will not detrimentally impact the surrounding property.

The undersigned property owner requests a CONDITIONAL USE PERMIT as permitted in the Santa Clara City Zoning Ordinances to use the above-described property for the following purposes (attach additional sheets if necessary):

See attached Exhibit B.

17.40.055: GENERAL STANDARDS FOR APPROVAL OF CONDITIONAL USES:

A conditional use shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. The following standards must be met in order to mitigate the reasonably anticipated detrimental effects, if imposed as a condition of approval:

A. Noise:

1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.

B. Dust:

1. Comply with all air quality standards, State, Federal and local.
2. Use shall not create unusual or obnoxious dust beyond the property line.

C. Odors:

1. Comply with all air quality standards, State, Federal and local.
2. Use shall not create unusual or obnoxious odors beyond the property line.

D. Aesthetics:

1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone.

E. Safety:

1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.
2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the City Engineer in conformance with City engineering standards and all State, local and Federal laws.

F. Traffic:

1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "C".
2. Uses shall follow City access management standards and not create hazards to other drivers or pedestrians.

G. Height:

1. A building's height and scale shall fit into the overall context of the surrounding area.
2. Photo simulations may be required by City staff or Planning Commission showing all sides of the building(s) and showing how the building fits into the surrounding area, including its relationship to nearby ridges, hills, and buildings.

H. Hours Of Operation:

1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.

I. Utility Capacity:

1. Utility capacity is sufficient to support the use at normal service levels.

J. Public Health:

1. Use shall comply with all Sanitation and Solid Waste Disposal Codes.
2. Use shall not create public health concerns. (Ord. 2015-11)

17.40.060: PLANNING COMMISSION ACTION:

The planning commission may approve, modify, and approve, or deny the conditional use application made to the planning commission. The planning commission shall require such regulations and conditions as may deemed necessary to protect the public health, safety, welfare, and aesthetics of the area. In approving a conditional use permit, the planning commission shall find:

- A. That the proposed use is necessary or desirable and will contribute to the general well-being of the city;
- B. That the use will not be detrimental to the health, safety, welfare, or aesthetics, or detrimental to property or improvements in the area;
- C. That the proposed use will comply with the regulations of this title;
- D. That the proposed use is in harmony with the intent and purpose of the general plan, or that the plan shall have first been amended through public hearing. (Ord. 97-06 § 9-6)

WHEN A CONDITIONAL USE PERMIT IS GRANTED SUBJECT TO CONDITIONS, SAID CONDITIONAL USE PERMIT DOES NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THOSE CONDITIONS HAVE BEEN MET.

NOTE: A CONDITIONAL USE PERMIT DOES NOT ELIMINATE THE NECESSITY OF OBTAINING A BUILDING PERMIT. A PERMIT IS REQUIRED FOR CONSTRUCTION OF ALL BUILDINGS IN THE PROJECT.

A Conditional Use Permit shall be good for one (1) year after final approval, or as otherwise determined by the Santa Clara Planning Commission. If at the end of one (1) year construction has not been commenced, the Permit shall become null and void unless a request is made with the Planning Commission for an extension. Extensions may be granted for a period of time not to exceed six (6) months.

If use is discontinued for a period of six (6) months, or if property is sold or developed by someone other than applicant, the conditional use is null and void.

The filing fee for this CONDITIONAL USE PERMIT is \$200.00. The fee is payable to the City of Santa Clara, Utah and such fee shall not be refundable in whole or in part, even though the application may be withdrawn or denied.

Signed by:

D3210F16908F488...

Signature of Applicant

2600 N. Ashton Blvd. Suite 200B
Lehi, UT 84043

Address of Applicant

J. Brett Boren

Printed Name of Applicant

801-229-0464

Phone number/email of Applicant

EXHIBIT "A"
LEGAL DESCRIPTION

BEGINNING AT A POINT BEING NORTH 88°32'39" WEST 1,721.13 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°33'31" WEST 2024.11 FEET; THENCE SOUTH 88°30'49" EAST 341.27 FEET; THENCE SOUTH 00°38'30" WEST 674.03 FEET; THENCE SOUTH 00°46'06" WEST 336.57 FEET; THENCE SOUTH 88°52'31" EAST 339.61 FEET; THENCE SOUTH 00°53'01" WEST 499.73 FEET; THENCE SOUTH 62°06'51" EAST 129.02 FEET; THENCE SOUTH 04°35'29" EAST 321.76 FEET; THENCE NORTH 56°26'40" WEST 264.25 FEET; THENCE NORTH 00°55'15" EAST 9.46 FEET; THENCE NORTH 56°33'02" WEST 175.70 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 29°05'36", HAVING A RADIUS OF 482.91 FEET (RADIUS POINT BEARS SOUTH 33°26'58" WEST), AND WHOSE CHORD BEARS NORTH 71°05'50" WEST 242.58 FEET; THENCE ALONG THE ARC OF SAID CURVE 245.21 FEET; THENCE NORTH 85°38'38" WEST 615.60 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°26'58", HAVING A RADIUS OF 402.91 FEET (RADIUS POINT BEARS NORTH 04°21'22" EAST), AND WHOSE CHORD BEARS NORTH 82°25'09" WEST 45.33 FEET; THENCE ALONG THE ARC OF SAID CURVE 45.35 FEET; THENCE NORTH 79°11'40" WEST 380.64 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 31°42'03", HAVING A RADIUS OF 402.91 FEET (RADIUS POINT BEARS NORTH 10°48'20" EAST), AND WHOSE CHORD BEARS NORTH 63°20'38" WEST 220.09 FEET; THENCE ALONG THE ARC OF SAID CURVE 222.92 FEET; THENCE NORTH 00°18'39" EAST 732.88 FEET; THENCE NORTH 88°47'24" WEST 619.46 FEET; THENCE NORTH 65°03'55" EAST 43.40 FEET; THENCE SOUTH 61°24'21" EAST 28.69 FEET; THENCE NORTH 64°08'47" EAST 203.31 FEET; THENCE NORTH 25°51'13" WEST 173.00 FEET; THENCE SOUTH 64°08'47" WEST 202.88 FEET; THENCE NORTH 44°02'46" WEST 134.41 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 61°06'04", HAVING A RADIUS OF 50.00 FEET (RADIUS POINT BEARS NORTH 45°57'14" EAST), AND WHOSE CHORD BEARS NORTH 11°59'41" WEST 53.07 FEET; THENCE ALONG THE ARC OF SAID CURVE 55.94 FEET; THENCE NORTH 20°03'18" EAST 33.01 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°43'59", HAVING A RADIUS OF 50.00 FEET (RADIUS POINT BEARS NORTH 69°56'42" WEST), AND WHOSE CHORD BEARS NORTH 01°48'42" WEST 37.24 FEET; THENCE ALONG THE ARC OF SAID CURVE 38.16 FEET TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 36°18'43", HAVING A RADIUS OF 250.00 FEET (RADIUS POINT BEARS SOUTH 66°19'19" WEST), AND WHOSE CHORD BEARS NORTH 41°50'03" WEST 155.80 FEET; THENCE ALONG THE ARC OF SAID CURVE 158.44 FEET; THENCE NORTH 59°59'24" WEST 184.84 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 18°38'38", HAVING A RADIUS OF 250.00 FEET (RADIUS POINT BEARS NORTH 30°00'36" EAST), AND WHOSE CHORD BEARS NORTH 50°40'05" WEST 80.99 FEET; THENCE ALONG THE ARC OF SAID CURVE 82.35 FEET; THENCE NORTH 01°20'46" WEST 83.03 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°25'11", HAVING A RADIUS OF 350.00 FEET

(RADIUS POINT BEARS SOUTH 48°39'14" WEST), AND WHOSE CHORD BEARS NORTH 60°03'22" WEST 224.54 FEET; THENCE ALONG THE ARC OF SAID CURVE 228.58 FEET; THENCE NORTH 78°45'57" WEST 36.58 FEET; THENCE SOUTH 72°31'05" WEST 52.03 FEET; THENCE NORTH 78°45'57" WEST 22.13 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 93°50'05", HAVING A RADIUS OF 75.00 FEET (RADIUS POINT BEARS NORTH 11°14'03" EAST), AND WHOSE CHORD BEARS NORTH 31°50'55" WEST 109.56 FEET; THENCE ALONG THE ARC OF SAID CURVE 122.83 FEET; THENCE NORTH 15°04'08" EAST 318.54 FEET; THENCE NORTH 00°28'02" EAST 53.61 FEET; THENCE NORTH 18°17'02" WEST 98.23 FEET; THENCE NORTH 68°12'53" WEST 237.23 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°52'58", HAVING A RADIUS OF 750.00 FEET (RADIUS POINT BEARS NORTH 21°47'07" EAST), AND WHOSE CHORD BEARS NORTH 49°15'10" WEST 487.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 496.42 FEET; THENCE NORTH 30°17'27" WEST 302.77 FEET; THENCE SOUTH 89°11'13" EAST 136.64 FEET; THENCE NORTH 00°32'52" EAST 672.22 FEET; THENCE SOUTH 89°19'28" EAST 667.63 FEET; THENCE NORTH 00°34'52" EAST 1334.33 FEET; THENCE SOUTH 88°56'03" EAST 1329.94 FEET; THENCE SOUTH 88°27'56" EAST 2087.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°28'05", HAVING A RADIUS OF 2045.30 FEET (RADIUS POINT BEARS SOUTH 62°43'54" WEST), AND WHOSE CHORD BEARS SOUTH 20°02'03" EAST 515.09 FEET; THENCE ALONG THE ARC OF SAID CURVE 516.46 FEET; THENCE SOUTH 36°04'49" EAST 91.45 FEET; THENCE NORTH 55°30'38" EAST 81.08 FEET; THENCE SOUTH 07°15'15" WEST 177.97 FEET; THENCE SOUTH 03°00'48" EAST 122.07 FEET; THENCE NORTH 89°03'14" WEST 535.95 FEET; THENCE SOUTH 01°20'41" WEST 437.82 FEET; THENCE SOUTH 28°12'40" EAST 94.69 FEET; THENCE NORTH 88°22'39" WEST 843.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 296.753 ACRES

EXHIBIT "B" (Revised 11/26/24)
(Application for Conditional Use Permit)

OVERVIEW:

All activities related to the requested Conditional Use Permit ("CUP") are for the benefit of the greater Black Desert Resort ("BDR") project. Specifically, the area referred to as "rock mountain" contains the rock and gravel material was placed there in connection with the construction of the Black Desert Golf Course and other excavated areas at BDR. This land (19.5 acres) which is located within the Santa Clara City boundaries is currently being used to for storage of rock and gravel materials used on site at BDR. However, to expedite the removal of these materials so that "rock mountain" is no longer visible and can be blended in with the overall BDR development, it is necessary to perform rock crushing and hauling at this location (see the attached site map showing the area designated within the red boxed area as Exhibit "A"). The rock aggregate will be used as a road base for the roads in BDR and/or will be sold and removed from the "rock mountain" site. The attached site plan attached as Exhibit "A" and associated photos (see photos as composite Exhibit "B") provide additional detail for the current "rock mountain" site which will be subject to the CUP.

Since the point of sale of the rock and road aggregate produced at "rock mountain" will be located within the City limits of Santa Clara, BDR will follow the guidelines set forth in Publication 25 (Rev. 5/24) Sales and Use Tax General Information (see also Utah Code §§59-12-211, 59-12-212, 59-12-213 and 59-12-214).

RESPONSE TO §17.40.055 "GENERAL STANDARDS"

- A. **NOISE:** The only noise generated at the "rock mountain" site on the attached map is limited to typical earth moving and rock crushing activities which occur only during a typical workday (e.g., Monday through Friday—with no Saturdays or Sundays). These same type of noises have been occurring on the property for the past several years.
- B. **DUST:** The "rock mountain" site where the earth moving and rock crushing activities are occurring is subject to the same Dust Mitigation Plan as which is summarized in the SWPPP for South Village which is listed as Section 5.5.4 – "Water for dust control – Truck or Hydrant" and state: *"BMP Description/Instructions: Dust control measures are used to stabilize soil from wind erosion and reduce dust by construction activities. Water sprayed from water trucks must be done at a rate such that the water is absorbed in the soil."* There multiple daily visits from watering trucks to the "rock mountain" site to minimize any dust generated in compliance with all air quality standards which are maintained at all times. Additionally, sprinklers have been installed to constantly water the aggregate prior to crushing operations in addition to the water trucks watering all roads and other areas where the earth moving and rock crushing activities are taking place.
- C. **ODORS:** This issue isn't applicable.

- D. **AESTHETICS:** Most of the activity at the “rock mountain” site is not visible to the surrounding community due to its topography. Where the site is visible the height of the rock hides the crushing operations as it lowers height of the stored rock. Over an undetermined time, “rock mountain” will disappear into the natural topography of the site.
- E. **SAFETY:** Safety of our employees and the public is a top concern. No hazardous materials are stored at the “rock mountain” site and public access to the site is prohibited. All drivers hauling rock offsite via Red Mountain Drive to Pioneer Parkway will be provided a mandatory safety brief to watch for and avoid pedestrians and bicyclists in the area. The only public access near the “rock mountain” site is the Black Desert Golf course and the proposed Red Mountain Drive just North of Pioneer Parkway. Additional signage advising drivers of pedestrians and bicyclists in the area will be placed at the intersection of the access road come from “rock mountain” and Red Mountain Drive and the intersection of Red Mountain Drive and Pioneer Parkway, along with warning signs for the area near the bike/pedestrian path which crosses Red Mountain Drive alerting them to work trucks in the area. There will be no trucks hauling rock which will use Affirmation Drive to exit the BDR property.
- F. **TRAFFIC:** It is anticipated that much of the crushed rock product will be used on the BDR project site. However, the anticipated maximum truck traffic entering and leaving the “rock mountain” site will vary depending upon the tonnage being generated. The maximum tonnage to be created is 3,000 per week which equates to 120 truckloads per day. Any offsite sales and transportation of rock will leave the “rock mountain” site and travel south along Red Mountain Drive to Pioneer Parkway. Any onsite use of the rock would travel on BDR property to be used onsite (e.g., fill for existing single family lots, etc.). As stated earlier, there will be no trucks hauling rock that will use Affirmation Drive to exit the BDR property. As a result, there are no traffic issues for drivers or pedestrians at the intersection of Red Mountain Road and Pioneer Parkway where a new light at that intersection will control vehicle traffic leaving the BDR property.
- G. **HEIGHT:** This issue isn't applicable.
- H. **HOURS OF OPERATION:** The activities at the sites only occur during a typical workday (i.e., Monday through Friday—excluding weekends) which during summer months (i.e., April through October) are 7:00am to 7:00pm MDT and during winter months (i.e., November through March) are 8:00am to 5:00pm MST.
- I. **UTILITY CAPACITY:** This issue isn't applicable.
- J. **PUBLIC HEALTH:** This issue is addressed under the DUST section.

N ↑



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Exhibit "A"



Exhibit "B"
1912



Exhibit "B"
2 of 12



Exhibit "B"
3 of 12



Exhibit "B"
4 of 12



Exhibit "B"
5 of 12



Exhibit "B"
6 of 12



Exhibit "B"
Pg 12



Exhibit "B"
8 of 12



Exhibit "B"
9 of 12



Exhibit "B"
10 g 12



Exhibit "B"
11 of 12



Exhibit "B"
12 of 12



Santa Clara City
2603 Santa Clara Drive
Santa Clara, UT 84765
(435) 673-6712

XBP Confirmation Number: 216162340

Transaction detail for payment to Santa Clara City.			Date: 11/26/2024 - 1:13:23 PM MT
Transaction Number: 231213051 Visa — XXXX-XXXX-XXXX-3346 Status: Successful			
Account #	Item	Quantity	Item Amount
	Zoning Subdivision Fees	1	\$200.00
Notes: CUP application BDR			

TOTAL: \$200.00

Billing Information
 Koko Head
 84780
 koko@reefcp.com

Transaction taken by: Admin Selena

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, November 14, 2024**

Present: Logan Blake, Chair
Shelly Harris
Koni Hunter
Josh Westbrook
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
Kristen Walton

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.

3. Conflicts and Disclosures.

There were no conflicts or disclosures.

4. Working Agenda.

A. Public Hearing.

i. None.

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. This item was tabled by the Planning Commission on October 24, 2024, after holding a Public Hearing.

Planning and Economic Development Manager, Jim McNulty presented an overview of the proposed Text Amendment requested by Wes Davis, representing Country Lane Commons, LLC. At its

October 24, 2024 meeting, the Planning Commission voted to table this item until November 14, 2024, to allow additional research to be collected and understood. Dollar Loan Center previously submitted a project narrative indicating that they did not engage in the business of check cashing, payday lending, or title loan lending, but the applicant later informed City Staff that Dollar Loan Center is no longer pursuing the site for a potential location. Mr. McNulty noted that the original application had not changed as the property owner still sought the Text Amendment. The five items for consideration were still applicable.

Mr. McNulty reported that all Utah State Code Section 10-9a-205 requirements for Land Use amendments had been met. Staff recommended that the Commission review the submitted Text Amendment to determine if the application was complete. If so, City Staff recommended that the Planning Commission forward a recommendation to the City Council for their review and consideration of the Zoning Ordinance Text Amendment subject to the three conditions outlined in the Staff Report. It was noted that an additional condition had been added to address concerns raised at the previous Planning Commission Meeting.

Mr. McNulty indicated that Dollar Loan Center's narrative requested a very narrow scope of use as they claimed they would not engage in check cashing, payday lending, or title loan lending. However, they were no longer the applicant. The property owner has the right to request an amendment to the City Code and was still pursuing that amendment. The Planning Commission's options included recommending approval of the original request for a non-depository financial institution that does not engage in check cashing, payday lending, or title loan lending; approval that includes those activities; or a variation of their choosing. They could also add a condition that City Staff proceed with the creation of development standards for this use to place in Bluffdale City Code Chapter 17.20, Supplementary and Qualifying Regulations.

City Attorney, Matt Ence stated that his preference was for the developer to amend the Project Plan to allow the use for this specific project, not a Text Amendment that would apply to the entire Planned Development Commercial ("PDC") Zone. A Conditional Use Permit ("CUP") would then need to be granted for the use. PDC zones generally include a use list that is established as part of the project plan, and his interpretation was that the "other similar uses determined to be compatible" language was included to allow additional uses in specific projects. If it chose to do so, the Planning Commission could then approve the CUP subject to the City Council's final approval of the amended project plan. Chair Blake stated that that would be his preference as well. It was clarified that a decision would need to be made on the current application, then any new application would require a new public hearing with proper notice. The impact of the approach would be that if the alternative application were approved, it would allow that use in the project but not the entire zone. If another developer requested the same conditional use in their PDC, they would need to go through the same public hearing process.

Commissioner Whitehead was uncomfortable making a Text Amendment until the Planning Commission has discussed it in detail and can recommend property amending the Code. The request was for a specific use but the Text Amendment would allow for different types of non-depository lenders, and he did not believe it should be approved until such a time as Staff and the Planning Commission were comfortable with the verbiage. Mr. Ence stated that the limiting language included in the proposed amendment was to address concerns similar to Commissioner Whitehead's and exclude title lenders, payday lenders, and check cashing. Commissioner Whitehead asked if there

would be a benefit to the community to have this type of business and expressed his discomfort at making a decision without that information.

In response to a question from Commissioner Whitehead to Mr. McNulty, Mr. Ence stated that the City had adopted the policy that Staff would not make recommendations on this type of decision. The Staff Report is framed in a way that is fair to the applicant and can be fairly considered by the Planning Commission and City Council. Commissioner Whitehead stated that if someone on City Staff has information that may help them better understand an application, the Commission would understand that they would just be expressing an opinion, but the information they provide could help them make a decision. Mr. Ence indicated that the Planning Commission was provided with the same information that is available to Staff. The Commission was asked in the last meeting if they required any additional information, and Staff answered their questions to the best of their ability. Staff could not provide an opinion on what is good or bad for Santa Clara because that is ultimately the City Council's decision based on the Planning Commission's recommendation and the information provided.

Commissioner Harris agreed with Commissioner Whitehead regarding being hesitant to allow multiple similar uses. She indicated that other cities have limited these types of uses by things like radius and asked if the Planning Commission could recommend that the City Council consider those options. Mr. Ence clarified that as long as their recommendation was responsive to the application before them, it would be acceptable for the Planning Commission to recommend approval with limitations regarding radius, population, etc.

Mr. McNulty reported that he was involved in writing the Sandy City ordinance regarding non-depository lending institutions. Such institutions were defined, and standards were put in place regarding conditional use, aesthetics, and proximity. One business was allowed per 10,000 people and population was determined based on the U.S. Census. A distance of 5,280 feet or one mile was required between institutions. He noted that there were already eight or nine such businesses in the city at the time it was adopted. After adoption, other cities used Sandy's ordinance as a base and defined it to their needs. Communities understood that there was a need for this type of business, but they wanted to limit them. Santa Clara has approximately 8,795 residents. If a use like this were to be allowed, a potential limitation could be one per 7,500 in population. The Sandy ordinance was applied to all commercial zones, so if a business meets all requirements the Conditional Use cannot be denied.

Commissioner Hunter thanked Mr. Ence for reminding the Commission that they could table the item at the last meeting. She felt very conflicted and was grateful for the extra time to do further research on the matter. Her opinion was that the PDC should not be changed, and the application should be denied. Commissioner Westbrook agreed with Commissioner Hunter and believed the request should be denied.

Mr. McNulty noted that the Sandy amendment was initiated by the city because of the number of this type of businesses that were coming into Sandy, whereas Santa Clara was considering an amendment based on an application that was submitted by a developer. A decision needed to be made on the application, and then the Planning Commission could direct Staff to research and draft an appropriate Text Amendment based on the City's specific circumstances.

Commissioner Whitehead stated that the Code should not be adjusted based solely on an application. If the Planning Commission recognized that a change was necessary, an amendment should be

researched, drafted, and discussed. He believed the Commission agreed that the City Code needed to be changed, but he was uncomfortable making the change based on an application. Chair Blake stated that he did not like the idea of denying applications on the basis that the language should come from the City and not the general public. Commissioner Harris indicated that she understood Commissioner Whitehead's point, but applications can often reveal areas of the Code that need reconsideration. Commissioner Whitehead restated that he did not feel comfortable approving a Text Amendment based solely on what a property owner would like to do with their property. Chair Blake indicated that many Code changes are made based on applications. Mr. McNulty stated that most amendments in bigger cities are initiated by property owners or developers because there is more development. Santa Clara is smaller, but it still receives applications, and they must be reviewed on a case-by-case basis.

Mr. Ence clarified that if the Commission needed to work through several iterations of a motion to get one that passes, they could do so.

Chair Blake moved to recommend that the City Council DENY a Proposed Zoning Ordinance Text Amendment to Chapter 17.68.020, Allowed Uses, and that the Council consider either adding additional restrictive language to limit the number of allowed uses through Chapter 17.20, Supplementary Qualifying Regulations, or encourage the applicant to return with an application for an amended Site Plan and Conditional Use Permit.

In response to a question from Commissioner Harris, Chair Blake stated that the motion was to recommend denial based on the need to add additional language. As a Commission, they would recommend additional supplementary qualifying regulations tied to allowing the use in the PDC zone.

Commissioner Whitehead seconded the motion. Vote on Motion: Commissioner Hunter-Yes, Commissioner Harris-No, Commissioner Whitehead-Yes, Commissioner Westbrook-Yes, Chair Blake-Yes. The motion passed unanimously.

Mr. Ence clarified that the recommendation was for the City Council to deny the application, but the applicant still had the option to go forward to the Council, which would make the final decision. The applicant, Wes Davis asked for further clarification. Mr. Ence stated that the Planning Commission made a recommendation to the City Council. Chair Blake explained the basis for recommending denial, which is that he feels a better approach would be to provide additional restrictions. Chair Blake added that the Planning Commission cannot require that language in the current application. Mr. Ence noted that the motion was made and approved.

Chair Blake explained that the recommendation for denial was because he preferred that the application come back to the Planning Commission with those other restrictions, and the City Council could either follow that recommendation or not. Mr. Ence added that as long as their decision is responsive to the application, they have legislative authority to either approve it as-is or modify their approval in any way they see fit. The Planning Commission's recommendation and reasons for that recommendation are just one thing they consider. If the applicant wanted to withdraw the application and either amend it or submit a new application in response to the Commission's comments, he could do so. That application would go back through the public hearing process. He could also choose to take the current application to the City Council and modify it based on the Commission's feedback. The item could be on the December 11, 2024, City Council Meeting agenda, and any new materials would need to be submitted well in advance of that date.

It was noted that the City Council has disagreed with Planning Commission recommendations in the past. They also consider the record from the public hearing and any input or information from the applicant.

Mr. McNulty stated that most of the cities along the Wasatch Front have similar ordinances and city-specific standards and it may be helpful for Mr. Davis to review those ordinances. Mr. Ence stated that if Mr. Davis would like the opportunity to discuss the issue with the City Council prior to the meeting at which they will make a decision, the Mayor and City Manager may be willing to include it as a Work Meeting agenda for discussion.

B. Planning Commission Approval.

i. Second Temporary Use Extension: Black Desert Temporary Maintenance Facility. Located Northeast of Pioneer Parkway and Red Mountain Drive. Patrick Manning, Applicant.

Mr. McNulty presented the Staff Report and indicated that the Temporary Use was approved in 2022 to allow Black Desert Resort to install a maintenance facility consisting of two trailers and one metal shed. The facility is located off the extension of Red Mountain Drive, north of the intersection with Pioneer Crossing. A Temporary Use Permit is valid for one year and the applicant can request three six-month extensions. The applicant received one extension on April 25, 2024. Staff recommended that the Planning Commission approve a second Temporary Use extension allowing for the maintenance facility at the Black Desert Resort, subject to the conditions outlined in the Staff Report.

Commissioner Whitehead moved to APPROVE the Second Temporary Use Extension for the Black Desert Temporary Maintenance Facility, subject to the following:

Conditions of Approval:

- 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.**

Commissioner Harris seconded the motion. Vote on Motion: Commissioner Hunter-Yes, Commissioner Harris-No, Commissioner Whitehead-Yes, Commissioner Westbrook-Yes, Chair Blake-Yes. The motion passed unanimously.

ii. **Preliminary Subdivision Plat Subdivision Plat Approval for the POM Grove Estates Subdivision located at approximately 2627 Vineyard Drive. Tyler and Chanelle Miller, applicants.**

Mr. McNulty presented the Staff Report and stated that on September 12, 2024, the Planning Commission recommended that the City Council consider approving split zoning for the subject property to include the R-1-10 Single-Family Zone for Lot 1 and RA Single Family Zone for Lot 2. On October 9, 2024, the City Council approved the property rezoning as per the Planning Commission's recommendation. The applicants intend to build a single-family home on proposed Lot 2, which will be a flag lot. Lot 1 has an existing home. Access to both properties is via Vineyard Drive.

City Staff identified the following preliminary plat review items:

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 four-foot 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 feet wide, with a maximum length of 200 feet. The proposed flag lot has 32.53 feet of public street frontage. If the Planning Commission determined that this is an efficient use of land, the applicant would 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 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.

Mr. McNulty reported that public notice is not required for a subdivision. The Planning Commission meeting agenda was posted in multiple locations as per State Code, and no comments were received.

The Building Department will require a Geotechnical Report prior to issuance of a Building Permit. The Power Department will require that all Public Utility Easements ("PUE") be shown on the final plat. The Public Works Department will require the PUEs and public streets be shown on the final plat, and a mylar with signature blocks is required for the final plat prior to recordation.

The application met State Code requirements for subdivisions, and the Planning Commission was holding a public meeting to consider the plat. City Staff recommended that the Planning Commission consider granting Preliminary Subdivision Plat approval for the POM Grove Estates Subdivision subject to the conditions outlined in the Staff Report.

In response to a question raised by Commissioner Westbrook, Mr. McNulty clarified that the maximum building height in all R-1 zones is 35 feet, with the exception of R-1-6 which only allows a maximum of 30 feet.

Chair Blake asked for clarification on the location of the water meter for Lot 1. Mr. McNulty stated that Public Works Director, Dustin Mouritsen, provided the applicant with a recommended location. It is not in the proposed flag lot. The applicant, Tyler Miller, clarified that there will be no utilities for Lot 1 on the flag lot with the exception of an irrigation meter.

Commissioner Whitehead noted that the property currently has a substantial amount of grass and asked how the City's new landscaping requirements would apply. Mr. McNulty stated that the existing home is exempt from the requirements, but the new home would need to comply with all requirements if culinary or City-owned secondary water is used for irrigation. Mr. Ence clarified that because the property is irrigated by a private source, those limitations do not apply.

In response to a question, Mr. Miller reported that he hired two different engineers, one for the legal description and one for the preliminary plat. Both engineers indicated that the neighboring property was owned by Kent and Tamara Harmon, but it is actually owned by Travis and Sue Gates. It was noted that Impact Fees would only be charged on the new lot in the subdivision as the existing lot already has services.

Chair Blake reminded the Commission that they would be approving or denying the subdivision plat, not making a recommendation to the City Council. The final plat would be subject to administrative approval only.

Commissioner Hunter moved to APPROVE the Preliminary Subdivision Plat for the POM Grove Estates Subdivision located at approximately 2627 Vineyard Drive, subject to the following:

Conditions of Approval:

- 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.

Commissioner Whitehead seconded the motion. **Vote on Motion: Commissioner Hunter-Yes, Commissioner Harris-No, Commissioner Whitehead-Yes, Commissioner Westbrook-Yes, Chair Blake-Yes. The motion passed unanimously.**

6. **Discussion Items.**

A. **None.**

7. **Approval of Minutes.**

A. **Request Approval of the Regular Meeting Minutes – October 24, 2024.**

Commissioner Hunter indicated that on Page 3, the third paragraph from the bottom, Commissioner Harris was misidentified as Commissioner Hunter.

Commissioner Harris moved to APPROVE the minutes of the October 24, 2024, Santa Clara Planning Commission Regular Meeting, as amended. Commissioner Hunter seconded the motion. The motion passed with the unanimous consent of the Commission.

Mr. McNulty reported that the next Planning Commission Meeting will be held on December 12, 2024. There will not be a second meeting in December.

Mr. McNulty has been working with Mr. Ence on the consulting contract for the General Plan Update, and he hoped to have it finalized the following day. The kick-off meeting will include the Heritage Commission, Planning Commission, and City Council, and will likely be scheduled for January 2025.

Mr. McNulty reported that he received an email from Mark Weston indicating that he would not be returning to the Planning Commission as he has conflicting commitments. He will speak with Mayor Rosenberg and City Manager, Brock Jacobsen regarding a potential replacement.

8. Adjournment

The Planning Commission Meeting adjourned at 6:39 PM.

Jim McNulty
Planning Manager

Approved: _____

DRAFT