

**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: 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 lessee 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 Santa Clara City Code Chapter 17.20, Supplementary and Qualifying Regulations.

Chair Blake 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 properly 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-Yes, 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. The City Council will 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-Yes, 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-Yes, 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

Jim McNulty
Planning Manager

Approved: _____ December 12, 2024