

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

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

Staff: Jim McNulty, Planning and Economic Development Manager
Selena Nez, Deputy City Recorder

Absent: Koni Hunter
Curtis Whitehead

1. Call to Order.

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

2. Opening Ceremony.

A. Pledge of Allegiance: Kristen Walton.

3. Conflicts and Disclosures.

There were no conflicts or disclosures.

4. Working Agenda.

A. Public Hearing.

i. None.

5. General Business.

A. Planning Commission Approval.

i. Recommendation Wall Signs for Fresenius Kidney Care, located at 2253 Santa Clara Drive. Bradley Salay, applicant.

Planning and Economic Development Director, Jim McNulty, presented the Staff Report and indicated that the applicant requested two wall signs as allowed by the City's Sign Ordinance, Chapter 17.44. The Site Plan was reviewed by the Planning Commission on March 9, 2023, and subsequently approved by the City Council. The building is nearing completion, and they anticipate opening in early May 2025. The applicant proposed one 46.53-square-foot wall sign on

the north elevation and one 63.3-square-foot sign on the east elevation, and both signs would be visible from Santa Clara Drive. The signs include white internally illuminated raceway-mounted branding and letters. City Staff recommended approval of the proposed wall signs.

Commissioner Harris moved to APPROVE the Wall Signs for Fresenius Kidney Care, located at 2253 Santa Clara Drive, subject to the following:

Conditions of Approval:

- 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.**

Commissioner Walton seconded the motion. Vote on Motion: Commissioner Harris-Yes, Commissioner Westbrook-Yes, Commissioner Walton-Yes, Chair Blake-Yes. The motion passed unanimously.

ii. Project Plan Amendment for Meraki Greek Grill, located at 3520 Pioneer Parkway (Harmon's Building). Jeff Chapman, Applicant.

Mr. McNulty presented the Staff Report and reported that the subject property is located on the east end of the Harmon's Building and is the last available retail space in the shopping center. An application was approved in 2022 to amend the Project Plan for a planned BYU Creamery. Some improvements were installed, including a drive-thru, but the project was not completed. The subject application would amend the Project Plan to convert the drive-thru space to a covered outdoor dining area on the east end of the restaurant.

City Code Chapter 17.68.070 allows for a Project Plan Amendment and states:

"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."

Mr. McNulty noted that the Meraki Greek Grill will have a lesser impact than the BYU Creamery as it will not have a drive-thru. That area will be replaced with a 634-square-foot outdoor dining area and drought-tolerant landscaping. Floor plans and elevations were reviewed, and it was noted that the business will need to apply for a Sign Permit.

City Staff and the Technical Review Committee worked with the applicant to finalize the request and Staff recommended approval of the Project Plan Amendment subject to the conditions and

finding listed in the Staff Report. They City is excited at the prospect of a new dining opportunity in the area.

In response to a question from Mr. McNulty, project engineer, Jared Bates, indicated that the exterior material/color for the outdoor dining area will be metal and dark grey.

Commissioner Walton moved to APPROVE the Project Plan Amendment for Meraki Greek Grill, located at 3520 Pioneer Parkway (Harmon's Building), subject to the following:

Conditions of Approval:

- 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.**

Finding:

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

Commissioner Harris seconded the motion. Vote on Motion: Commissioner Harris-Yes, Commissioner Westbrook-Yes, Commissioner Walton-Yes, Chair Blake-Yes. The motion passed unanimously.

iii. Conditional Use Permit for Black Desert Resort Gravel Pit at Rock Mountain. Patrick Manning, Applicant.

Mr. McNulty presented the Staff Report and reported that the proposed gravel pit would be limited to the 19.50-acre Rock Mountain area. The applicant intends to use the rock and gravel material for the road base within the Black Desert Resort, and any remaining material will be sold and removed from the site.

The Conditional Use Permit approved on June 13, 2024, included construction staging, a landscaping and temporary nursery location, a rock saw location, and storage of materials for the construction of the entire Black Desert Resort. However, a separate Conditional Use Permit was required for the proposed gravel pit activities at Rock Mountain.

The South Village at Black Desert Subdivision was approved by the Planning Commission on May 25, 2023, and by the City Council on June 21, 2023. The final Subdivision Plat was recorded in February 2024. Public improvements were currently being installed for that subdivision. New home construction is likely soon.

Mr. McNulty reviewed the relevant sections of City Code Chapter 17.40.055 governing Conditional Uses, as well as the applicant's responses. He reported that if reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use, the Conditional Use Permit must be approved by the Planning Commission.

A. Noise:

1. **Excessive noise (unwanted or undesired sound) can cause serious impacts on 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. **The 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. 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.

D. 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.

E. 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.

F. Hours of Operation:

1. **Non-residential 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 through 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.

Mr. McNulty indicated that City staff have discussed the Point-of-Sale requirement with the applicant. Because 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.

City staff recommended that the Planning Commission review the submitted Conditional Use Permit application and, if determined to be complete, consider approval subject to the conditions and findings outlined in the Staff Report.

In response to a question raised by Chair Blake, the Applicant's representative, Scott Nielson clarified that 120 truckloads is the maximum number that could leave the site each week, but they anticipate that the majority of material will be used onsite. Chair Blake expressed concern about wear and tear on the roads if excessive truckloads leave the site, but most of the material remaining on site would alleviate that concern. Mr. McNulty noted that any materials leaving the site will be routed down Red Mountain Road to Pioneer Parkway, and any road wear and tear issues can be addressed yearly when the Conditional Use Permit is renewed.

In response to a question from Commissioner Westbrook, Mr. Nielson stated that Black Mountain Resort plans to complete the project within a maximum of two years. They are currently working with City staff on a plan to develop the Rock Mountain area, and they intend to focus on low-density single-family homes adjacent to the golf course. Multifamily townhomes are planned for some parcels adjacent to Red Mountain Drive.

Commissioner Walton asked if the trail along Red Mountain Road and Pioneer Parkway would re-open soon. Mr. Nielsen stated that the trail will be restored and integrated into the neighborhood they are developing in the area.

Commissioner Westbrook moved to APPROVE the Conditional Use Permit for the Black Desert Resort Gravel Pit at Rock Mountain, subject to the following:

Conditions of Approval:

- 1. That the proposed gravel pit as identified in 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 or narrative on a yearly basis.
6. That the Conditional Use Permit be reviewed upon legitimate complaint.

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.

Commissioner Harris seconded the motion. Vote on Motion: Commissioner Harris-Yes, Commissioner Westbrook-Yes, Commissioner Walton-Yes, Chair Blake-Yes. The motion passed unanimously.

6. Discussion Items.

A. None.

Mr. McNulty reported on the following:

- The General Plan Update Kick-Off Meeting was scheduled for Tuesday, January 7, 2025, from 6:00 PM to 8:00 PM in the Banquet Room. A Strengths, Weaknesses, Opportunities, and Threats (“SWOT”) analysis and other activities will be conducted. Members of the Planning Commission, Heritage Commission, City Council, and invited City staff will be in attendance. The meeting will also be open to the public.
- The next Planning Commission Meeting will take place on Thursday, January 9, 2025. Jim anticipates four to five items will be on the agenda.

7. Approval of Minutes.

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

The following errors were reported:

Page 2:

- Paragraph 3, Line 3: “However, they are no longer the applicant,” should read, “However, they are no longer the lessee applicant.”
- Paragraph 3, Line 9: Santa Clara is misidentified as Bluffdale.
- Paragraph 4, Line 1: Chair Blake is misidentified as City Attorney, Matt Ence.
- Paragraph 4, Line 2: “property” should be changed to “properly.”

Page 5:

- Paragraph 2, Line 2: “They also consider the record,” should read, “The City Council will also consider the record.”

All motions: Commissioner Harris voted “Yes” on all motions, but the draft minutes indicated that she voted “No.”

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

8. Adjournment.

The Planning Commission Meeting adjourned at 6:10 PM.



Jim McNulty
Planning Manager

Approved: _____ January 9, 2025