

SANTA CLARA CITY PLANNING COMMISSION
Tuesday, April 12, 2016
MINUTES

SANTA CLARA CITY PLANNING COMMISSION met for a meeting on Tuesday, April 12, 2016, at 6:00 PM in the Santa Clara Town Hall located at 2603 Santa Clara Drive, Santa Clara, Utah.

Present:

Curtis Jensen (Chair), Jason Lindsey, Marv Wilson, Leina Mathis, James Call, Adam Butterfield, Todd Jacobsen

Absent: Michael Day, Todd Olsen

City Staff:

Jarett Waite: City Council
 Corey Bundy: Building Official
 Bob Nichol森: City Planner

Audience:

Jared Bates, Kent Frei, Richard Kohler, Mitch Cloward, Jennifer Cloward, Tom Gubler, Travis Gates, Sue Gates, Clayton Leavitt, Ray O' Gaygen, Wade Morris, Jaime Morris, Allison Williams, E.T. Prisby, Richard Kohler, John Patton, Linda Patton, Dennis Leavitt, Kevin Holyoak, Dave Ribbacchi, Chris Potter, Diane Tou, John Beckstead, Todd Payor, John Smith, Leland Peters, Larry Clayson, and additional Lava Cove Subdivision residents (*signatures unreadable*)

1. **Call to Order:** Curtis Jensen called the meeting to order at 6:01 PM
2. **Opening Ceremony:** Todd Jacobsen led the Pledge of Allegiance and Opening Comments (Invocation.).
3. **Communications and Appearances**
 - A. **General Citizen Communications**
None.

4. Working Agenda

4A. Public Hearings:

1. Hearing to receive public input for request of a General Plan Amendment for Santa Clara Inn. The requested change is from Low Density Residential to Neighborhood Commercial. The property is located at 1190 Heights Drive, on the corner of the Santa Clara Drive and Heights Drive. Heritage Ventures, LLC, Applicant, Richard Kohler, representing.

Bob Nichol森: The staff report for this agenda item is as follows:

Public Hearing for a request to amend the City General Plan Land Use Map to change the land use designation from Low Density Residential (LDR) to Neighborhood Commercial (NC) on 0.6 acres located on the SE corner of Santa Clara Drive and Heights Drive.

Background: The City has received an application from Mr. Richard Kohler, property owner, to amend the City General Plan Land Use Map by changing the land use designation from Low Density Residential (LDR) to Neighborhood Commercial (NC) on 0.6 acre located on the SE corner of Santa Clara Drive and Heights Drive. The property is located just east of City Hall, with Heights Drive separating the two properties.

Purpose of the Requested Change to the City General Plan: The applicant seeks a change to a Commercial use designation in order to later allow for a zone change which would permit a small 18 room inn to be known as the Santa Clara Inn. There are four buildings proposed and a farm style silo structure which would have one guest room. Two of the buildings would be 2-story and two buildings would be one story. The above details are more typical of a zone change request rather than a General Plan amendment request but the applicant has a preliminary design for the property and would like neighbors and city officials to be aware of what is proposed for the property. The building designs represent historical architecture and all four of the buildings are in scale with typical single family dwellings in the general area.

General Plan considerations: The property fronts on Santa Clara Drive, and is just east of the City Hall. The property is just outside the current boundary of the Santa Clara Historic District, and also just outside the Neighborhood Commercial designation on the General Plan Land Use Map (Neighborhood Commercial presently ends at Height Drive). The request is to extend the “Neighborhood Commercial” land designation eastward to include this lot. The proposed 18 guest rooms will not generate significant traffic and therefore is a good use for the property based on traffic generation. Also the proposed building scale and design with one and two-story buildings fits the surrounding area. The buildings are designed similar to single family homes typical of the early 20th century with “dixie dormers” and exterior appearances typical of historic homes in the area.

Staff Recommendation: Staff believes the proposed use of the property is in harmony with the goals of the City General Plan and in scale with the surrounding neighborhood. The 18 room guest inn will not generate significant traffic and the proposed historic design of the buildings and silo will be an attractive addition to Santa Clara Drive and the city in general. Staff recommends approval of amending the General Plan from Low Density Residential to Neighborhood Commercial. The applicant is also the architect who designed the project and will explain the details of the renderings presented.

Curtis Jensen: What is before us tonight is the request for the modification of the General Plan, correct? What is the difference for the density requirements?

Bob Nichol森: Low Density Residential allows up to 4 units per acres. The present zoning is R-1-10, so two homes could be there.

Curtis Jensen: The staff likes the idea and agrees it is a compliment to the surrounding area, but what is the requirement for parking?

Bob Nichol森: They would need one parking stall per room, plus one for a manager for the complex; with 19 spaces total.

Curtis Jensen: What is appropriate for tonight's discussion?

Bob Nichol森: In this case, the applicant has a specific idea in plan for the property and the General Plan Amendment consideration. When the zoning change occurs for this project, there would be another Public Hearing and that as well as project details that would be addressed. It is a two-step process, rather than just one Public Hearing.

James Call: Can the General Plan just be modified or does it also have to include a zone change?

Bob Nichol森: The Neighborhood Commercial designation ends at Heights Drive and at the corner of the City property. This is the first parcel that just outside of that area, which is Low Density Residential, until you go further up Santa Clara Drive and then it is more of commercial destinations for zoning. Zoning is a tool to implement a General Plan. In this case, there is a lot of detail that is being provided, where as that is not always the case.

Curtis Jensen: It seems this could be consolidated into one issue because of time frames for hearings and meetings.

Bob Nichol森: Planning Commission makes a recommendation and the City Council will hear the General Plan and if they do not concur that is should be used as a commercial property, then a re-zone of the area is a mute issue.

Richard Kohler: This is a family owned property and the project will also be family managed. The use as a bed and breakfast establishment is believed to be a correct use for this area. It is the beginning of the City Historic District for the city and the size of the buildings purposed will be smaller than the surrounding homes.

If two homes were to be built, the area that would be used would be about the same. The use is not residential, but it will not introduce tremendous amounts of traffic. Fruit trees will surround the property and be placed every other parking stall. The scale of the buildings have had a lot of consideration to match the area. This is the closest use to residential that could be implanted.

Curtis Jensen: What about the concerns of bringing this into a neighborhood? What about a noise concern? I am also confused of where the reception area is as indicated on the plan.

Richard Kohler: That area is a check in lobby for the bed and breakfast facility.

Curtis Jensen: Where would the parking lot lighting be?

Richard Kohler: It will probably be very low lighting or parkway lighting to minimize any impact on surrounding properties.

Marv Wilson: What is on the roof of Building A?

Richard Kohler: That is a roof top pool; which is a one story and that is on top of the arcade and over the rooms themselves and there will be a green roof, which is a grass terrace.

Curtis Jensen: If there are no other questions, let's open this up for the Public Hearing.

Linda Patton: My comment is, what if the business fails and what would happen with a defunct business in the center of town?

John Smith: What about the interior infrastructure which includes things like where garbage cans would be located, where would the maid carts be located and where would deliveries be accepted? I do not see any employee parking as well as any restaurant parking.

It may be appropriate to put a commercial project on this property, but it is too big for this area. Putting the swimming pool on the roof to better utilize space is a good idea, but if it is on the second floor, I do not see any handicap access, elevators or ADA requirements being met.

Curtis Jensen: This is just a concept plan, but I do not believe there was a mention of an onsite restaurant. Is that correct, Mr. Kohler? Those items would also be more detailed within the zone change.

Richard Kohler: There will be no onsite restaurant.

Tom Gubler: I live behind this and do not want it in my backyard. I do not want to look at a silo in my backyard. Is Santa Clara trying to be a vacation destination or continue to be the quiet community it is known for? The City should consider acquiring this property to utilize it for the many activities and functions that happen during the year. I highly oppose this change. I also question where the staff would park as well. The pool would be better to be on the ground. I would of hoped residential properties would occur there.

Marv Wilson: I have a question for Mr. Gubler. I was impressed with the conceptual plans and thought it to be a great idea, then noted it would be right behind your house. You mentioned that you think the City should acquire

this property. What if that does not happen, do you think the property could still be used for residential? Wouldn't it be better served for commercial?

Tom Gubler: That should have been thought about when this property was purchased of what the best use would be.

Dave Ribacchi: The renderings show a great idea. It probably fits in different areas than this section of town, but there are other areas that need addressing such as sanitation, special access, traffic, eating areas, as well as the elevated pool having ADA access. Another concern is that is going to be a bed and breakfast facility and that means onsite preparation of food. That would also mean code compliance with those regulations.

Diane Tou: I counted 12 units. Where would the 18 units come from? I also think that pool would be very noisy and not compatible.

Corey Bundy: One building is two story which has the additional units making the total of 18 units.

Curtis Jensen: The occupancy could change as this is just a concept plan.

Travis Gates: I live behind this property and feel the same as Tom Gubler and did not consider it to ever turn commercial. When Swiss Days is around, it makes everything crazy and chaotic for that weekend. With the traffic for this project, would make it about the same amount of congestion as Swiss Days.

Curtis Jensen: Is it going to be the nature of the project or the traffic that is more of a concern to you? How would you feel if there was a downsizing of sorts for this project?

Travis Gates: It is mainly the pedestrian and vehicle traffic. I would have to see that downsizing concept before I have a definite opinion. We have thought for years that there would be a residential home to go there and not anything else. If there is a swimming pool up high and they would be looking down into our yards.

James Call: Once we change the plan, it could be anything that is within commercial, correct?

Corey Bundy: Yes, it could be anything that met the zoning requirements.

Bob Nichol森: It is just for the General Plan use right now.

Mitch Cloward: What about access issues on a busy weekend? Turning left or right onto Santa Clara Drive from Heights Drive will be difficult.

Clayton Leavitt: It is too high and intense of a commercial project that is purposed. Isn't there another location that is better served for this type of project? It will cause even more high traffic then what is there now. The property across the street from the city hall was purchased by the city and that would be better served to use for a project as this.

Marv Wilson: The City is the controlling body for their properties and not the Planning Commission.

Clayton Leavitt: The looks are great and charming, just too high and too intense for this area.

Chris Potter: I owned a bed and breakfast property and converted it to a vacation home that is located within in St. George. I recently sold it. I have a suggestion to make this work. Make it a residential zoning with a Conditional Use Permit and have as many conditions included desired with the Conditional Use Permit. The purposed density is too high for this area. The traffic will also be an issue.

Curtis Jensen: If there are no other comments, let's close the Public Hearing and move to the General Business section for this issue.

4B. General Business

1. Recommendation to City Council for a General Plan Amendment of 1190 Heights Drive, corner of Santa Clara Drive and Heights Drive.

Curtis Jensen: Discussion from Planning Commission members?

Marv Wilson: When the General Plan came out, there was a line drawn on the street in that area and there was a probably a reason for that area being designated as it is.

James Call: The design and plan is beautiful and could be a great asset to Santa Clara. But, this is probably not the spot for it. I am also reluctant to make a change in the General Plan.

Curtis Jensen: I understand the surrounding residents' concerns about this project and there are a lot of changes going on in the surrounding area. And this diversity could be good, but perhaps there should be some scaling back to accommodate the surrounding neighborhood, but regardless it is in a neighborhood.

Adam Butterfield: A question for Bob Nicholzen is what about the possibility from the suggestion of this being a residential project with a Conditional Use attached?

Bob Nicholzen: I have been looking within the permitted Conditional Uses allowed and it does not allow for a bed and breakfast facility within an R-1-10 zone. The ordinance would need to be amended to allow such a use.

Curtis Jensen: What was the highest point of the buildings going to be?

Richard Kohler: The highest point is 26 feet.

Leina Mathis: If the General Plan is changed, does it preclude it from and a Planned Development Commercial zone in the area?

Bob Nicholzen: No.

Curtis Jensen: If there is no other comment for this matter, let's proceed to a motion.

Jason Lindsey: I will make a motion to recommend to the City Council for denial of the General Plan Amendment of Santa Clara Inn from Low Density Residential to Neighborhood Commercial.

James Call. I will move to 2nd the motion.

Motion to recommend to the City Council for denial of a General Plan Amendment for Santa Clara Inn, which would be located at 1190 Heights Drive.

Made by: Jason Lindsey, Seconded by: James Call

Voting Aye: All

Voting Nay: None

Motion Carried.

4. Working Agenda

4A. Public Hearings:

- 2. Hearing to receive public input for request of zone change of Snow Canyon Townhomes, located at Lava Cove Drive and Little League Drive. Kent Frei, Applicant. Allen Hall, Rosenberg & Associates, representing.**

Corey Bundy: This has come back before the Planning Commission because there was a noticing error from the previous meeting.

Bob Nicholzen: The staff report is as follows:

Public Hearing on Zone Change Request for Snow Canyon Townhomes, from R-1-10 to Planned Development Residential on 1.83 acres, located at NE corner of Lava Cove Drive and Little League Drive. (note; this public hearing is being re-held due to a notice error in the previous public hearing which was held on 3/8/16).

Applicant: Mr. Kent Frei, property owner

Engineer: Mr. Alan Hall, PE, Rosenberg Associates

General Plan: Medium Density Residential (MDR)

Acres: 1.83 acres

Project location: NE corner of Lava Cove Drive and Little League Drive

Total # of Units: 16 units (four 4-plex style townhomes)

Purpose for requesting the PD-Residential Zone: To allow for 16 unit townhome project on 1.83 acres which translates to a density of 8.7 dwelling units per acre. The rezone request is consistent with the City General Plan land use designation for the property which is Medium Density Residential. Note that the Density Bonus criteria must be met in order to have a density over 8 units /acre.

Common Open Space Requirement: The Zoning code requires that 30% of the project area be developed as useable open space. A landscape plan is required as part of the PD-Residential zone plan submittal requirements. The applicant's site plan states that 56% of the project area will be landscaped open space.

Parking Requirement: The code requires a minimum of 2 parking spaces per unit so 16 units will require 32 parking spaces, 16 of which must be covered spaces. The building plans and the application states that each unit will have a 2 car garage.

Density Bonus Requirements: The Density Bonus criteria may allow for a density in excess of 8 d.u./acre up to a maximum of 12 du/acre. The applicant seeks a project density of 8.7 d.u./acre. The architectural rendering of the units shows a varied roof line and emphasis on the front appearance of the units. The applicant states that because the rear of the units are against the hillside the back of the units will generally not be visible to the public so the rear of the units are quite average in terms of appearance. The applicant seeks a density bonus of 0.7 du/acre which is a small increase in the base density of 8 du/acre.

PC Action: The PC can take action on the rezone request after the Public hearing is concluded. The applicant is requesting a density of 8.7 du/ ace, which represents a density bonus of 0.7 units/acre, and although not a significant density increase over the base density, the PC should indicate the basis for any density bonus which might be recommended to the City Council.

Curtis Jensen: We voted in favor last month correct?

Bob Nichol森: Yes.

Curtis Jensen: We can now proceed to the Public Hearing and invite public comment.

Kevin Holyoak: I am the person that was involved in the noticing issue error and appreciate it being re-heard. I am in opposition because this should property remain single family residences. There should not be a density increase for this parcel. The school district has property nearby and there is already a great deal of foot traffic that occurs there as well as what comes on the trails. But if the City allows increased density for this project, it will create more of a hazard for the pedestrian traffic.

Marv Wilson: This is not a prime residential property. Do you think it is still viable as such a use?

Kevin Holyoak: The developer had an opportunity to re-route the roads to be within the interior that could of better suited the single family residences, so in my opinion, it be more of a self-inflicted hardship that should have been explored prior to buying or development of the property.

Marv Wilson: Was this slice of the property initially approved as single family use or is this outside of the Snow Canyon Estates property?

Corey Bundy: This is a different parcel and outside of the other development.

Kevin Holyoak: The development is ongoing and the first few lots on Lava Cove Drive were purposed to have single family homes there. The Planning Commission has suggested paving be done as well as other requirements. So it could be on this parcel for the adjoining parcel.

Linda Patton: As a resident of Lava Cove, we do want this development to happen. The audience that is here does want this.

Ray O' Gaygen: I would like to see the overlay from a year ago about the development that is being currently excavated on. Why wasn't this included at that time?

Corey Bundy: If you are referring to Snow Canyon Estates, that matter is already approved for a subdivision and is not before us tonight. This project was not ready to proceed at that time and these are two different properties.

Curtis Jensen: For tonight's purposes, we are only hearing a zone change request for this project.

John Smith: As a Lava Cove resident, I am appreciative of the re-notice. Traffic is a primary concern. There are several times a day when making turns are impossible. It is a busy corner as it is without creating more issues. It abuts Lava Cove subdivision. If the density is changed, it is just wrong for the surrounding developments. I agree it can be developed, but not this kind of development with the increased density. It really should stay at R-1-10. We bought in this area with an understanding that R-1-10 zoning would remain and do not want any high density living.

Leland Peters: Safety is a big concern. It is a busy area and with more cars using that area, it will be more dangerous. If there is approval, there should be restrictions. The current quality of life and property values should be taken into consideration. I am also nervous with Rosenberg & Associates doing the engineering on a project that requires zone changes within Santa Clara City. They should recuse themselves from this project.

John Beckstead: I thought Snow Canyon Estates originally included 46 single family lots and what is being said is this project has never had anything to do with that project? I thought it included this property.

Corey Bundy: Correct.

Larry Clayson: I moved from a place where there was multiple family housing within residential neighborhoods and it was blighted in areas. I knew there would eventually be single family housing next to my development and it would stay the same zoning. The new density is not keeping with the area.

Dennis Leavitt: The plan is attractive, but please consider the density increase is too much for this area. Because my proximity is close to this proposal, please pay attention to the neighbors and their wants.

Curtis Jensen: If I understand, correctly your concern is not so much the development, but the amount or density of the housing?

Dennis Leavitt: Yes. It is a good plan, but just not suited for this area.

Kent Frei: Being the developer and land owner, if there is anyone that would be affected, it would be me. I also own surrounding property next to this development.

Todd Jacobsen: Why trigger any change of this property?

Kent Frei: Neighbors like and oppose different things. This was never part of the original discussion for Snow Canyon Estates and this would be the best use for this parcel. Traffic is not an issue and not a distraction.

Dave Ribacchi: As a Lava Cove resident, this development should stay at single family residences to match the surrounding areas. It should not be changed without sound planning which includes things such as traffic control surface water management, and utilities implantation underground as well as sticking with a General Plan and not changing it.

Curtis Jensen: We will now close the Public Hearing and move to General Business item for this issue.

4B. General Business

2. Recommendation to City council for a zone change of Snow Canyon Townhomes, located at Lava Cove Drive and Little League Drive.

Curtis Jensen: Going along with discussion for this item, does the City have any traffic concerns?

Corey Bundy: None with the density being proposed.

Marv Wilson: If you look at the bigger picture, it is still small amounts of traffic. Is there enough room in the driveway to rearrange turning?

Kent Frei: We could probably accommodate that.

Curtis Jensen: Change will always eventually happen and not everyone will be accepting. There is also a need for the housing diversity. That is a consideration for approval for bringing younger families coming into the community. It is also not for certain that those townhomes could turn into investment properties.

Bob Nicholzen: In agreeance with Marv Wilson about it still would only be small amounts of traffic and with my knowledge of the two streets, maybe if putting a hammerhead type of driveway or a notch could be better suited to where the residents would not need to back into the street. That could solve traffic concerns.

Corey Bundy: Even though this is only a zone change request, staff discussed and looked at parking. It is still conceptual of what it will be and nothing is definitive for parking yet.

Todd Jacobsen: Perhaps a circular driveway would be a good approach to solve any concerns.

Curtis Jensen: What are some of the green areas going to be? Are you open to a reduction of the units?

Kent Frei: It has not been decided yet for some of the green areas uses as indicated on the concept map. We will need to design it and are open to guidance from the City and no, we are not wanting to reduce the number of units for the project.

James Call: Just like the prior agenda item, it was also a great idea, but I am more interested in listening to neighbor comments and their concerns. I also appreciate the different points of view that have been offered.

Marv Wilson: In this case, the back yard lot line is the developer, so therefore it is not affecting any neighbors. There are no lot line sharing neighbors.

Leina Mathis: I had reservations when short term rentals were approved near my neighborhood, and there will always be reservations or hesitation for new projects. There has not been any of the concerns we originally had. Even traffic with the Harmon's Grocery store that has increased traffic in that area, it is still a welcomed change.

Bob Nichol森: The front of the units made up for the side and the rear yard concerns and they would not be viewed from the above slope, and this has allowed for .7 units /acre bonus density grant.

Marv Wilson: The City Council did not hear this issue because of the noticing error, correct?

Bob Nichol森: Correct.

Jason Lindsey: Were the citizens of Lava Cove not invited last time?

Corey Bundy: Our requirements are to inform people within 300 feet of the property and they are 500 or more feet away from this project. The Public Hearing notice is placed on the project site as well as posted in the newspaper and on the City website.

Jason Lindsey: I voted in favor of the project last time and we voted all in favor last time because single family residences would not really fit well into that corner property. It would also comply with more affordable housing or starter homes within Santa Clara. Perhaps a recommendation of less density would be more suitable for adjacent property owners.

Curtis Jensen: Are we ready for a motion? Is the City satisfied with the bonus density requirements?

Bob Nichol森: Yes.

Marv Wilson: I will make a motion to approve the zone change request for Snow Canyon Townhomes to include the minimum standards as presented in the conceptual standards.

Motion to recommend to the City Council for approval of a zone change of Snow Canyon Townhomes to Planned Development Residential from R-1-10, located at Lava Cove Drive and Little League Drive.

Made by: Marv Wilson, Seconded by: Adam Butterfield

Voting Aye: Leina Mathis, Adam Butterfield, Jason Lindsey, Marv Wilson

Voting Nay: Todd Jacobsen, James Call

Motion Carried 4:2

4B. General Business

- 3. Variance request to allow a gazebo that has been built in violation of the side yard setbacks for 3288 Red Rock Drive, Joseph LaFontaine, applicant.**

Corey Bundy: The staff report for this item is as follows:

Variance request for 3288 Red Rock Drive, Joseph LaFontaine- gazebo built in violation of side yard setbacks

The owner of this property, Joseph LaFontaine, is requesting a variance to allow a gazebo that has been built that is in violation of side yard setbacks.

The property owner obtained a swimming pool permit on February 12, 2015 to construct a pool in the rear yard. The plans that submitted, reviewed, and approved had shown a circular area which was interpreted by the building official as a fire pit. The owner interpreted it as an approval to construct the gazebo. The structure is three feet from the adjacent property line, instead of the normal 8 or 12 feet as dictated by City ordinance. That particular side yard setback is currently 12 feet.

The property owner has provided all documentation for a variance request, and obtained an approval letter from the adjacent property owner stating the gazebo is accepted by him. Staff would support the Planning Commission decision for approval of this variance as long as the owner agrees to place fire proofing material within 5 feet of the property line.

Curtis Jensen: Does the city staff understand the 5 questions that were presented to be an adequate response for the variance request?

Corey Bundy: In this case, the structure is already built and the only other solution would be to tear it done. I did not anticipate a gazebo when reviewing the swimming pool permit, but the owner had anticipated it as a gazebo and proceeded with the work.

Curtis Jensen: Are the neighbors in agreeance?

Corey Bundy: Just one property owner is affected and he has agreed in writing of allowing the variance.

Marv Wilson: It is within three feet of any utility easement?

Corey Bundy: No, the City can have the property owner, Mr. LaFontaine sign a waiver that the City may use any easement. The owner got a letter of acceptance from the next door neighbor.

Joseph LaFontaine: I am fine with that.

Marv Wilson: I will make a motion to approve the variance request based on the owner has complied with City requirements, neighbor consent, and fire code requirements.

Motion to approve the variance request to allow a gazebo that has been built in violation of the side yard setbacks for 3288 Red Rock Drive

Made by: Marv Wilson, Seconded by: Adam Butterfield

Voting Aye: All

Voting Nay: None

Motion Carried.

5. Discussion Items

None.

6. Approval of Minutes

Motion to approve Planning Commission minutes from March 8, 2016

Made by: Leina Mathis, Seconded by: Jason Lindsey

Voting Aye: All

Voting Nay: None

Motion Carried.

7. Adjournment

8:06 p.m.

Respectfully submitted;

Melodie B. Hayes,
April 12, 2016

Melodie B. Hayes

Melodie B. Hayes, Recording Secretary