SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, January 11, 2018

Present: Curtis Jensen, Chair
James Call
Todd Jacobsen
Jason Lindsey
Leina Mathis
Marv Wilson

Staff: Corey Bundy, Community Development Director
Bob Nicholson, City Planner
Devin Snow, City Attorney
Selena Nez, Planning Commission Secretary

Excused: Michael Day

1. Call to Order.

Planning Commission Chair, Curtis Jensen, called the meeting to order at 5:30 p.m.

2. Opening Ceremony.

Chair Jensen led the Pledge of Allegiance and offered the Invocation.

3. Communications and Appearances.

A. General Citizen Communication.

There were no citizens wishing to speak.

It was confirmed that proper notice was given on all agenda items.

4. Working Agenda.

A. Public Hearings.

i. Public Hearing to Receive Comments on the Proposed Code Amendment, Lot Agreement (16.24.080).

City Planner, Bob Nicholson, reported that the above matter is an amendment to the Subdivision Ordinance in the section pertaining to lot arrangement. Paragraph C addresses double frontage lots, which have a public street in the front and rear. Typically, double frontage lots are located on arterial streets where access to individual driveways is not allowed. They back the street and

the City requires a privacy wall. Mr. Nicholson stated that the ordinance has not been abundantly clear on the specifics of the walls, which has resulted in confusion.

Mr. Nicholson read from Paragraph C, which states that, "Double frontage lots shall not be permitted except where necessary to provide separation of residential development from traffic arterials or t overcome specific disadvantages of topography and orientation. All double frontage lots must be approved by the City Council. A solid block or masonry wall shall be provided on all double frontage lots as a part of the required development of improvements, unless waived or modified by the City Council." The proposed new language was as follows: "Where a privacy wall is constructed, there shall be a landscape strip provided between the sidewalk and privacy wall with a minimum average width of ten (10) feet. The wall may be of serpentine design so that the distance between the wall and sidewalk varies, but the wall shall not be closer to the sidewalk at any point than four (4) feet. The minimum 10-foot wide planter strip may include landscape area on both sides of the sidewalk where the sidewalk is separated from the curb by a landscape area. Where the privacy wall on the adjoining property has a curvilinear or serpentine design, the City Council may require the continuation of such wall design to provide for a uniform appearance along the public street. The subdivision developer shall make provisions for the long-term maintenance of the planter strip either through a home owners association (HOA), or other approved maintenance plan, or where the City agrees to provide long-term maintenance for the planter area, in which case the developer shall on the final subdivision plat grant to the City a landscape maintenance easement upon all private property which may be on the street side of the privacy wall."

Mr. Nicholson explained that the intent is to set forth on double frontage lots the requirement for privacy walls which include a 10-foot wide landscape strip. The proposed additions were reviewed and approved by City Attorney, Matt Ence. Mr. Nicholson stated that in most cases the City has accepted responsibility for maintenance. The exception is when there is a planned development with an abundance of common space. In those instances, the HOA has taken on the responsibility of maintenance. On Rachel Drive, for example, the City maintains all of the subdivisions from the Harmons corner including Bella Sol and Paradise Village. For projects that have been approved on Rachel Drive including the Villas at Snow Canyon, the HOA maintains the planter strip on the street side. Mr. Nicholson explained that the intent is to eliminate confusion and set clear standards for the landscape strip on double fronting lots.

In response to a question raised, Mr. Nicholson reported that a developer at one point informed the City that he was not made aware of the requirements. In the end, he asked to be reimbursed. It was noted that the small strips are private property because some of the wall encroaches into the lot. Because the lots on the opposite side were supposed to be 10,000 square feet, the developer requested reimbursement for the landscaping he installed on the private property. In the end there was a compromise and he was given a partial reimbursement. Mr. Nicholson explained that a developer can only be asked to do what the project demands.

Community Development Director, Corey Bundy, commented on Bella Sol and stated that they have an HOA, but it does not maintain Rachel Drive because the agreement specified that the City would maintain it. Chair Jensen suggested that a definition for "double frontage lots" be added to the ordinance. Access issues were discussed. Chair Jensen asked if there are any subdivisions in

the City where the roads have not become public. Mr. Nicholson explained that the City does not allow private streets currently. This situation comes into play on arterial streets where driveways are not permitted

James Call asked about the reference to continuation of the wall and asked if it means the continuation between subdivisions. Mr. Nicholson stated that the intent was to continue the wall down the street.

With regard to maintenance, Leina Mathis asked about a non-PUD and who would be responsible for putting in the initial landscaping if the developer chooses to have the City complete an easement and perform ongoing maintenance of the strip. Mr. Nicholson responded that the responsibility would rest with the developer. Commissioner Mathis asked if the City would have any say with regard to the type and quality of materials being installed since they will bear the expense of maintaining it. Mr. Bundy stated that the City has an ordinance pertaining to landscape maintenance and infrastructure that spells out the specific standards. In the future, any time a zone change comes to the City, an applicant will be required to enter into a Development Agreement with the City spelling out what is required of both parties.

Commissioner Call asked about maintenance and if it is uniform. Mr. Bundy explained that in this case, the serpentine wall in the Knolls Pasture Master Plan was intended to be a walkable community that ties onto the western corridor. He noted that it was a Vision Dixie document. When application was made for the original zone change, the City wanted just a straight corridor with block walls on both sides. The Master Plan specified that it would be walkable. Because the City wanted a high-quality look, they agreed to enter into an agreement with the developer where the developer would install the plantings and the City would maintain them. With Paradise Village at Zion and Arcadia, the property owners only own the pad. The remainder is common area. Bella Sol is different because they own the entire lot.

Mr. Nicholson commented that the high-density PD projects already have a lot of amenities. An HOA is responsible for much of the maintenance. Construction of the landscape strip on the public street is part of that responsibility. An individual subdivision lot, however, may or may not have an HOA so there is no mechanism in place to enforce maintenance. Commissioner Mathis asked if an easement would typically be allowed for a maintenance agreement in a PD zone. Mr. Nicholson responded that it would not necessarily be needed. Mr. Bundy explained that a maintenance agreement may not be limited to the exterior landscaping and might include a detention basin or upgraded City infrastructure. It would be determined on a case-by-case basis.

Commissioner Jacobsen's understanding was that the property/right-of-way line where ownership switches from the private property owner to the City should be on the street side of the wall. He clarified that the wall should be on the private property and the ownership from one wall to the next should be owned by the City unless it involves common area in a private development situation where it is to be maintained by the HOA. In that instance, it should be owned by the HOA as long as they are going to maintain it. Commissioner Jacobsen remarked that the property owner is paying taxes on property he can't use and may eventually want the City to take it over.

Mr. Nicholson commented that Mr. Ence suggested that in these situations, even though it may not technically be public property, it would be desirable for the property line to be where the wall is located. Otherwise, the City could obtain a maintenance easement giving them the right to enter.

With regard to financing, Jason Lindsey asked if any of the agreements would cloud titles. Mr. Nicholson stated that because it would be on the plat it would be similar to a public utility easement. City Attorney, Devin Snow, stated that the agreements will show up on a title report but will not deter potential buyers.

Chair Jensen opened the public hearing. There were no public comments. The public hearing was closed.

B. General Business.

i. Recommendation to City Council for a Proposed Code Amendment, Lot Agreement (16.24.080).

Commissioner Jacobsen moved to recommend approval to the City Council of the proposed Code Amendment.

With regard to a comment made about the need to add a definition, Mr. Nicholson stated that in the zoning ordinance under Supplemental Qualifying Regulations Section 17.20.110 defines double frontage lots. It was suggested that the definition be included in this section or cross referenced to avoid confusion.

Commissioner Jacobsen amended the motion to include the definition in either the new language added to the section or cross referenced. Commissioner Lindsey seconded the motion. The motion passed with the unanimous consent of the Commission.

ii. Consider a Request to Reduce the Side Yard Setback from Ten Feet to Five Feet for the Side Yard on the West Side of the Historic Granary Building at 3105 Santa Clara Drive, Mandi Gubler, Applicant.

Mr. Bundy presented the staff report and stated that Mandi Gubler and her husband own the historic Mercantile Building on Santa Clara Drive and are in the process of purchasing the Granary Building to the west. The current owners, Wayne and Pat Johnson, will retain ownership of the home located to the west of the Granary Building. They will split their lot to separate the Granary Building and their home into separate lots. Both properties are zoned Mixed Use. The Code specifies that the side yard shall be 10 feet unless otherwise approved by the Planning Commission. A zero setback is possible if approved by the Fire Code. In this instance, there are openings on the side of the building and a minimum five-foot setback is required. The applicants are requesting a five-foot side yard setback along the Granary's west side and perhaps a side yard of less than 10 feet next to the Johnson's home to the new property line. The setback from the Johnson's home may not be needed once the final survey documents have been completed.

Mr. Bundy visited the site earlier in the day and measured the distance between the Johnson's carport and the Granary, which is 16 feet. The R-1-10 zone requires a minimum 10-foot setback. His understanding was that the Johnsons want as much property as possible.

Mrs. Gubler gave her address as 3097 Santa Clara Drive and stated that currently the kitchen at the Granary is in the carport. They decided on a 10-foot distance from the Johnson's carport, which is six feet from the Granary because there is pavilion structure on the back. As a result, they measured five feet off of that, which results in a distance of six feet from the actual building. Mrs. Gubler stated that they do not intend to continue to operate the restaurant. Mr. Bundy stated that the stipulation should be that the structure in between be removed. He clarified that there must be a five-foot separation for a total of 10 feet between the two structures.

Mrs. Gubler was present to request a six-foot setback rather than 10. Mr. Bundy stated that currently there is no problem with the setbacks because the Johnsons own both structures and there is no lot line. Because the Gublers want to create a lot line, they will be required to provide 10 feet of separation and create a line down the middle.

Mrs. Gubler reported that they plan to use the existing Granary structure as an art studio or other commercial use. It was noted that the Merc building encroaches on the Johnson's property by about one foot. Because it is a complicated situation, the hope was that this would be the best solution. Mr. Bundy reminded the Commission that Mr. Johnson has made several requests to expand his restaurant and some went beyond the limits of the Building Code. Essentially, two structures were built that were never permitted that abut the Merc and need to be removed. The current proposal alleviates that issue by moving the side property over.

Procedural issues were discussed. Chair Jensen thought the lot split should be granted first. Mr. Nicholson stated that the applicants want to first determine if approval will be granted on the setback issue before pursing the lot split. He explained that the difference in this case is that the structures are in place and no new construction is proposed. The applicants need to identify the location of the appropriate lot line, which is a Planning Commission decision. If the Commission agrees to the five-foot setback per the Fire Code, they can proceed with the purchase. A rendering of the site was displayed and the proposal was described.

Commissioner Jacobsen moved to approve the setback to be no closer than five feet to either structure conditioned upon removal of the structure that will remain in the middle.

Mrs. Gubler's desire was to identify the property line and require Mr. Johnson to clean up the area on his side of the property line. She agreed to clean up their side. Mrs. Gubler did not want to be responsible for Mr. Johnson taking his structure down. She remarked that she is harassed almost daily and wants the situation resolved. Chair Jensen clarified that the Planning Commission's role is simply to approve the process.

Enforcement and compliance issues were discussed. Chair Jensen clarified that the Commission cannot impose any performance on behalf of Mr. Johnson for Mrs. Gubler. They can only grant the rights. If Mr. Johnson refuses to do his part, the requirements could perhaps be enforced by the City. That, however, was not being addressed tonight. If Mr. Johnson does not do his part,

the lot split will not be approved. Approval of the proposed setbacks will be conditioned on the other requirements being met. Mr. Bundy agreed to communicate the requirements to Mr. Johnson so that he is aware of the conditions that must be met.

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

5. Discussion Items.

A. Review of Standards for a Second Dwelling in an R-1-10 or R-1-10/RA Zone Code Section 17-64-060.

Mr. Nicholson reported that at the last Planning Commission Meeting a question was raised regarding why a second unit must be attached. He explained that the Code allows a second dwelling unit in the R-1-10, R-1-10/RA, and RA zones subject to a Conditional Use Permit. The requirements for a second dwelling unit were described as:

1. It must be attached to or part of the main dwelling in some manner, such as over a garage, inside the main dwelling through an internal conversion of the home which meets building codes, or by an addition to the house, containing an internal connection between units, provided that the addition will not alter the single-family character or appearance of the home.

2. The second unit shall contain between 450 and 850 square feet, unless otherwise approved by the Planning Commission.

3. The unit may be a studio, one-bedroom, or two-bedroom unit, and also have one additional parking space for a two-bedroom unit, and both units shall be served by the utility meters, and also have the same address.

4. The property owner shall occupy either the main dwelling unit or the additional unit.

The secondary dwelling unit must be attached to the main dwelling and does not allow for a detached second unit. Some of the reasons for the requirement were as follows:

1. To maintain the integrity of the R-1 zones which are primarily intended for single family homes, and not for typical duplexes, or twin homes (i.e., two homes on a lot).

2. Home design or appearance concerns. Requiring the second unit to be attached in some manner to the main dwelling will generally encourage a compatible design with the main dwelling. A detached second unit may be a less appealing building from an aesthetic standpoint due to a desire to minimize building costs.

3. Desire to limit the number of rental units in the R-1 zones. A proliferation of second units, particularly detached units, may change the mix of owner-occupied units and

rental units. R-1 zones have been traditionally dominated by owner-occupied dwellings.

4. Other reasons may include keeping a sense of more open space, less area devoted to roof tops in the R-1 zones, and other similar concerns.

Mr. Bundy reported that when the ordinance was originally developed, it was their affordable housing since there is no affordable housing in Santa Clara. This was a way to help keep a certain segment of the population in the area. If approved, he suggested the second dwelling mirror the main dwelling in terms of aesthetics.

Commissioner Jacobsen liked the idea of the second dwelling being attached. Commissioner Call asked about the method of attachment. Commissioner Mathis commented that if not attached, there was the potential to allow renters on a single-family lot. Commissioner Jacobsen considered it a protection to the property owner and the City. Chair Jensen commented that there could be cases where it would make sense. He used Bart Smith's home as an example. The trouble was making it mandatory. Mr. Nicholson commented that one of the stipulations is that it be over a garage but does not specify that it must be an attached garage. Chair Jensen's understanding was that the garage must be part of the home. It was clarified that the Code specifies that a second dwelling would be allowed over a garage provided that the existing parking beneath the created unit remains parking and is not converted into a living space.

Mr. Nicholson clarified that the second dwelling could be in a detached garage or inside a home for an internal conversion of the unit or an addition to the home containing an internal connection between dwelling units. He clarified that the second unit could be over a detached garage. Chair Jensen was not opposed to a detached second unit as long as it is based on a conditional use to ensure that it fits.

It was clarified that any detached structure in excess of 1,000 square feet requires review and approval of the Planning Commission. It was also recommended that the definition of "accessory building: be clarified. Mr. Bundy asked that staff be allowed to refine the definition of "secondary dwelling" and "accessory building" and bring the matter back for further discussion.

6. Approval of Minutes.

A. Request Approval of December 12, 2017 Regular Meeting Minutes.

Commissioner Mathis moved to approve the minutes of December 12, 2017. Commissioner Wilson seconded the motion. The motion passed with the unanimous consent of the Commission.

7. Adjournment.

The Planning Commission Meeting adjourned at 6:52 p.m.

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Corey Bundy
Community Development Director

Approved: February 8, 2018