

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, May 9, 2019**

Present: Curtis Jensen, Chair
James Call
Mark Hendrickson
Jason Lindsey
Leina Mathis

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

Excused: Michael Day
Marv Wilson
Mark Weston

1. Call to Order.

Chair Curtis Jensen called the meeting to order at 5:33 p.m.

2. Opening Ceremony.

Jason Lindsey led the Pledge of Allegiance and offered the invocation.

3. Communications and Appearances.

A. General Citizen Communication.

There were no citizen comments.

4. Working Agenda:

A. Public Hearings.

1. Public Hearing to Receive Input to Consider a Zone Change Request from Residential R-1-10 to Historic District/Mixed Use Zone for the Property Located at 2728 Santa Clara Drive. Ryan Anderson, Applicant.

Community Development Director, Corey Bundy, presented the staff report and stated that the proposal is for a zone change to allow construction of an accessory building behind an existing home to be used as an office, garage, and apartment. The parcel is 0.48 acres in size and is located in the Historic District. The mixed-use accessory building currently located behind the home will be removed to make way for the proposed new building. Site plan review is required as part of the

overall rezone process. The Planning Commission should make a recommendation to the City Council with respect to the zone change and the associated site plan.

Mr. Bundy reported that the Heritage Commission reviewed the request at their April 11 meeting and continued the matter to their May 9 meeting. The parking requirements were reviewed, which specify that two off-street parking spaces must be provided and the applicant must provide a site plan to show the location of the parking spaces. Parking must also be provided for the proposed office use. Section 17.74.130 requires a site plan be provided showing the site layout including access, parking, and landscaped areas.

The following issues needed to be addressed by the applicant:

1. The height limit for accessory buildings in the Historic District mixed use Zone is 25 feet maximum. The applicant proposes a 26.5-foot tall building to the top of the parapet for a portion of the front façade; however the majority of the building is at the 25-foot limit.
2. The size limit for an accessory building is 1,000 square feet on the ground floor area, unless a larger building is recommended for approval by the Heritage Commission and PC, and approved by the City Council. Note that the Heritage Commission should make their recommendation on May 9th.
3. The Fire Code requires a minimum 20-foot wide access lane to the rear building, and that needs to be shown on the site plan where that access lane will be located.

Mr. Bundy reported that no changes were proposed to the existing home that fronts Santa Clara Drive. A site map was displayed as well as a rendering of the proposed building. City Planner, Bob Nicholson, commented on the photo of the roof line and stated that the majority of the roof line is 25 feet, which is the limit for accessory buildings in the Historic District Mixed-Use zone. The intent was to give the building character. The applicant indicated that the design was meant to resemble the Mercantile Building. The Heritage Commission did not object to the height since the majority of the building is 25 feet tall. They approved the basic design with the opportunity to approve the final design and proposed building materials prior to construction. The applicant's intent was to meet with the designer of the Mercantile and his Architect.

A question was raised as to whether the property will accommodate a 20-foot lane on the side of the existing home. Mr. Nicholson stated that it is possible if they are able to acquire property from the property owner to the west.

The applicant, Ryan Anderson, gave his address as 2728 Santa Clara Drive. With regard to access, he explained that between his property and the Edwards to the east there are 25 feet that can be shared as an access. The problem was that to make that work, two large trees would have to be torn down. He was currently working with the property owners to the west. If they will grant an easement it will be used as a fire lane.

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

2. **Public Hearing to Receive Input to Consider an Amendment to the Planned Development Residential Zone Located at Approximately East of Rachel Drive and North of the Harmons Grocery Store on 17.18 Acres. The Proposed Project Contains 182 Single-Family Attached Two-Story Townhomes. Vacation Rentals are not Proposed in this Project. D.R. Horton, Applicant.**

Mr. Bundy presented the staff report and stated that the current zoning is PDR with a General Plan designation of Mixed-Use Residential. The property consists of 17.18 acres. The applicant is proposing 182 two-story townhome units with 28 buildings. The townhome units range in size from 1,275 to 3,255 square feet and include attached two-car garages. The buildings range in size from four to eight-plexes. The request includes approval of a density bonus for the proposed density of 10.7 units per acre. The applicant was not seeking approval of short-term vacation rentals. The exterior materials were described. The project amenities included a pool with bathrooms, a small play area, and pickle ball courts. There will also be landscaped common areas totaling 36.5% of the total site area.

An HOA will be created to maintain the common area and landscaping. All roads will be public and conform to the City's public street standards and the project will include two accesses off of Rachel Drive. A deceleration lane will be needed on Rachel Drive due to the traffic associated with the Lava Ridge Intermediate School located across the street to the west. 22 units located along Rachel Drive will be rear loaded with garages that will be accessed off of the interior street. The same design feature also applies to the units along Lava Flow Wash. The units will appear to front the wash with garage access from the interior public street.

It was estimated that the 185 townhomes will generate over 1,000 total trips per day based on the trip rate of 5.86 trips per unit per day. Based on the projected trip generation rate, a Traffic Study prepared by an experienced traffic engineering firm may be needed to properly account for the projected traffic generated by the project, traffic from the adjacent intermediate school, and related neighborhood traffic.

The Density Bonus standards were next addressed. Mr. Bundy reported that density over eight dwelling units per acre must comply with the Density Bonus provisions contained in Section 17.68.105 of the zoning code. Under "Building Design & Materials" the requirement is for variations in roof height, variations in building footprint, varied earth-tone colors and textures, and features that create visual interest such as balconies, patios, and roof overhang. Exterior materials shall consist of brick, stone, or stucco. On the front elevation and street-side elevation for corner lots, stucco shall not exceed 50% of the wall area, not including the windows. The standards also specify that each unit should have some form of private outdoor space in the form of balconies or patios. The proposed townhome units have a small private rear patio areas. Presently, no detailed landscape plan had been submitted.

Staff found the project to be generally well planned and in compliance with the standards of the PD Residential zone. Issues remaining to be resolved were identified as:

1. Traffic flow on Rachel Drive. Deceleration lanes are needed at both proposed access points on Rachel Drive, particularly with the traffic generated by the Lava Ridge

Intermediate School and existing neighborhood traffic. The street stub that in the future will extend over the Tuacahn Wash needs consideration as to possible participation in the wash crossing. A Traffic Study may be desirable in resolving potential traffic issues.

2. The project is located between two storm drainage washes, the Tuacahn Wash and the Lava Flow Wash. Both have pending changes to their floodplain boundaries under consideration by the U.S. Federal Emergency Management Agency (FEMA). The City expects approval of both the LOMRs, which affect both washes but final approval has not yet been given and is needed before project platting is approved. The Planning Commission, however, can approve the PD-R zone amendment with the understanding that the project layout may need to be modified and returned for review, of FEMA requires any significant change to the LOMR application.
3. The Bonus Density request requires approval from Planning Commission and City Council and approval must be based on the elevation drawings and landscape plan to be provided by the applicant.

Renderings of the front and rear elevations were displayed. Mr. Nicholson stated that the units will have a front appearance even though the garage will be in the rear. One positive aspect was that a privacy wall will not be seen along Rachel Drive across from the intermediate school. It was suggested that there be more rock work on the units fronting Rachel Drive. Three different design styles were proposed.

Mr. Nicholson pointed out that the traffic study will be important because the 185 units, when built out, equate to 1,000 additional cars. The connection to Red Mountain Drive will be critical to avoid overwhelming Rachel Drive. A Traffic Impact Study was needed prior to preliminary plat approval. Chair Jensen commented that Rachel Drive, which is a single lane road, already seems to be overburdened. Potential widening was discussed.

Commissioner Call asked about the timeframe for receiving a report back from FEMA. Mr. Nicholson stated that the LOMR was expected any day. Mr. Bundy confirmed that construction cannot begin until the response from FEMA is received. Other projects envisioned for the area were identified as well as the potential widening of Red Mountain Drive.

Adam Loser was present on behalf of D.R. Horton. He reported that D.R. Horton is the largest homebuilder in the United States and built 56,000 homes this year. Their Salt Lake-Utah Division has been around since 1992 and Mr. Loser serves as Vice President of Land Acquisition Entitlements. After conducting research, they discovered that the nightly rental market is saturated and there seemed to be an underserved market for affordable housing. They were proposing six townhome products starting at \$250,000 to \$265,000.

Mr. Loser commented on the units that front Rachel Drive and stated that they were willing to change the fronts of some but at the same time create variation among the unit types in order to attract as many buyers as possible. At the first TRC meeting they submitted a site plan that contained 182 units. At the second meeting they increased that number to 185. Staff's primary concern was the Traffic Study. As a result, at the conclusion of the last TRC meeting they commissioned the original traffic engineering firm that prepared the Master Traffic Plan. They recognized that the original Traffic Plan did not take into account the vacation rental units.

Mr. Loser stated that they are eagerly awaiting the announcement of the LOMR from FEMA and confirmed that they will not close or build until it is granted. He noted that they have had no direct communication with FEMA and have been relying on staff and their communications with FEMA. Across the Wasatch Front, they plan to construct 1,000 homes this year. Four of those projects have FEMA issues that they have worked through and resolved. Mr. Loser stated that they have also commissioned a Landscape Architect to prepare a Landscape Plan.

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

3. **Public Hearing to Receive Input to Consider an Amendment to the Planned Development Commercial Zone for a Mixed-Use Project with Both Residential and Commercial Uses on Approximately Nine Acres Located on the South Side of Santa Clara Drive, West of Country Lane and Extending West of Lava Flow Drive. Wes Davis, Applicant.**

City Planner, Bob Nicholson, presented the staff report and stated that the property is currently zoned Planned Development Commercial and has been for several years. The applicant has a new plan for the property, which requires a new zone. A site map of the property was displayed. The project on the west side includes 22 attached two-story townhome units. There will be an entry off of Santa Clara Drive and a 20-foot wide street is proposed that will exit onto Lava Flow Drive.

Mr. Nicholson pointed out that there are several issues with the property. He explained that normally the City requests public streets but allows the applicant to make a request for private streets. This was the case on both the west and east sides of the project. An HOA will also be established to maintain the streets. Of the two-acres, the site plan shows that about 60% is green landscaped open space. An amenity was proposed as well. The applicants were requesting short-term rentals of the units on both sides, which is a conditional use. Mr. Nicholson explained that in the PD Commercial zone, mixed-use is a conditional use. Accordingly, the Planning Commission and City Council have the opportunity to impose conditions to make the project fit in the community. A determination should be made as to whether the proposed amenities are adequate for short-term or vacation rentals.

In the mixed-use portion of the project, the applicants were proposing retail and office uses on the first two levels and a combination of retail office with dwelling units on the third level. They were also proposing “tourist cabins” similar to a motel use within the project. 26 two and three-story detached townhomes were proposed as well. Mr. Nicholson explained that the PD zone has recommended standards and the ordinance specifies that the applicant may approve alternate standards or exceptions. The applicants were requesting exceptions to the PD standards and requested that the units be closer to one another than is typical. The front setback was proposed as 18 feet rather than 20 feet.

Mr. Nicholson reported that there has been some disagreement on whether the standard the City normally applies to vacation rentals would apply. Staff felt that the standards outlined in the Planned Development Residential Zone for vacation rentals in terms of management, parking, guest parking for vacation rentals, and amenities should apply.

The elevation drawings were displayed. The east parcel consists of 6.9 acres and includes 87 total dwelling units of various types. There are also eight retail spaces and eight office spaces totaling 14,000 square feet. Of the 87 dwelling units, there are 34 detached townhome units, 26 of which are located along the rear property line. There are 20 tourist cabins proposed and 33 attached live work units where the ground floor level is a workspace and the upper floor is a living area. Those types of units will be in the interior of the project. All interior streets were proposed to be private, which requires Planning Commission and City Council approval. All dwellings are two or three stories in height and proposed as vacation rentals.

Mr. Nicholson next addressed the issue of density bonus standards. Typically, with Planned Development Residential the City Attorney indicated that residential development, which includes 70% of the project, is subject to the residential standards of the PDR zone. The PDR zone allows for vacation rentals and includes provisions for a density bonus. When the density exceeds eight units per acre, the density bonus standards apply to anything above that up to 12 units per acre. Staff felt that those standards apply to this project. The question was whether private streets should be approved and if so, a determination should be made as to whether the 20-foot widths are adequate. The parking should also be analyzed and a determination made as to whether what is proposed is adequate and if the amenities are sufficient.

Mr. Nicholson suggested the applicant describe what is proposed in greater detail. Because there are so many issues to be resolved, he suggested that approval be tabled to a future meeting.

Mark Hendrickson stated that there are essentially two projects and asked if it would be possible to separate them. Mr. Nicholson noted that the west side is simpler because it is proposed as residential. The two were combined because the entire property is zoned commercial. If they had submitted just the west side, it would have required a zone change.

James Call referenced the property to the north of Dutchman's Market that is zoned commercial. They requested it be changed to residential zoning a few years prior. The request was ultimately denied. He asked what the reasons were behind the denial. Mr. Bundy, recalled that because the City is limited in terms of commercial opportunities, downtown and on the Heights it was determined that commercial would be the best option for the future growth of the City. In this case, the applicants have considered some commercial. Mr. Nicholson pointed out that one of the issues pertains to traffic circulation. He commented that it would be helpful to have some traffic disbursed onto Country Lane rather than force it all back to Lava Flow and Santa Clara Drive.

The applicant, Wes Davis, reported that two years earlier they appeared before the Planning Commission on the two acres on the west side of the street where they were proposing an extended stay hotel. They ultimately withdrew the application and ultimately determined that in order for commercial to be viable, there must be traffic and rooftops. Both are very limited in Santa Clara. Although they considered developing the entire site as commercial, it was determined to not be viable. They determined that single-family residential is the next lowest tax base and pursued a concept that could increase the tax base and provide commercial opportunities for the City.

Mr. Davis stated that they have had many questions about the detached and attached townhome project. He clarified that it will be mixed-use with commercial with a vacation rental overlay. Over the past few weeks they have met with the neighbors and presented the proposed designs and elevations. They had made a concerted effort to develop something that is attractive.

Chair Jensen asked about the road widths and parking. Mr. Davis stated that in terms of parking, they are overparked by 30 to 40 stalls. There is also off-street parking around the project. In addition, every dwelling unit has a two-car garage and two spaces in the driveway. He stated that it will be managed by the HOA and the vacation rental manager. In terms of parking, they are smaller units that will accommodate small groups. With respect to safety and emergency vehicle access, Mr. Davis stated that their Architect researched the Code and believes the plan is in compliance.

Chair Jensen asked Mr. Davis to share information on some of the concepts he is considering. Mr. Davis responded that they discussed the exterior materials including a mix of hardy board or wood in addition to stucco. They also discussed toning down the color palette to earth tones and including fencing along the residential portion that is something other than a block wall such as wrought iron with mixes and breaks. They were also proposing to include tree plantings that are similar to others throughout the City. He noted that they tried to address the concerns raised and stated that the initial feedback they received was very positive. No concerns were expressed with respect to density, roads, or amenities.

In response to a question raised by Commissioner Hendrickson with respect to parking, Mr. Davis stated that above Phases 1 and 2 there is an eight-foot strip for parking. They will try to encourage parking on one side of the street or in driveways.

Commissioner Mathis asked about the purpose of requesting private streets and for a description of the three amenity packages. Mr. Davis responded that the amenities include full barbeque areas, fire pits, shade areas, and game areas. They also looked at bouldering concepts that would include climbing rocks. Private streets were proposed to allow them to maintain some control on the part of their management company. He noted that the commercial aspect of the project will generate additional taxes in addition to the development investment. He stated that they are aware of the requirements associated with overnight rentals and they are in compliance.

Commissioner Lindsey asked about the size of the proposed pool. Mr. Davis responded that they do not yet have the final dimensions or budget for the pool. Commissioner Lindsey stated that the amenity package is significant for all vacation rental properties. The proposed project must have something significant to make it attractive for vacationers. Mr. Davis explained that there are three things in the community that are very attractive, which were identified as the pool across the street, the mountain bike trail, and the BMX bike park. Commissioner Lindsey commented that the pool across the street has no bearing on this project. He noted that all of the vacation rental properties near Harmons have significant amenities. Mr. Davis stated that they do not yet have specifics and are trying to get the concept approved. He reported that they have spent nearly \$200,000 in plan design over the last four years and have shown a commitment in moving forward with a quality project.

In response to a question raised by Chair Jensen, Mr. Davis agreed that very little had changed on the west side of the project since the last time they were before the Commission. Chair Jensen referenced the east side of the project and commented that the property seems overwhelming in terms of density. Mr. Davis described their concept and stated that their focus was on the product type and providing variation. The proposed units will be 1,300 to 1,600 square feet in size. They were detached to provide open space and private areas.

Chair Jensen opened the public hearing.

Dave Hunter gave his address as 756 Country Place Court and expressed his support for the project but wanted to ensure that the project conforms to the existing standards and ordinances. He liked the commercial component and the underground parking. He met personally with Mr. Davis and was comfortable recommending approval as he considered what is proposed to be a great use of the property. He acknowledged that the City needs commercial, which will be beneficial. He also suggested that Mr. Davis incorporate some of the themes of Santa Clara into the building. Mr. Hunter acknowledged that the project looks very dense at first glance but after examining it more closely, his concerns dissipated.

Stacy Underwood gave her address as 2218 Arrowhead Trail and stated that the property is in her backyard. She asked that the City consider the wishes of the homeowners when working with the developer on finalized plans. As a homeowner in a single-family neighborhood, the proposal to add three-story townhomes directly behind her property was worrisome based on property values, privacy concerns, and increased traffic. She realized that the proposed development has the potential to increase the value of the community of Santa Clara as a whole if done properly. She asked that the City take into consideration the concerns of the residents. She suggested there be a 15-foot setback between the lot lines of the neighbors bordering the south end of the development and the proposed attached homes. Ms. Underwood also recommended a privacy wall be placed between the homes on the south end of the development and the existing homes south of the development. She suggested that trees and other landscaping be placed along the proposed privacy wall.

Brent Fackrell gave his address as 2434 Vineyard Drive and indicated that he is a 25-year resident. He felt a personal investment in the community and was concerned about the proposed project as there is high-density housing at the entrance into the community. He questioned whether the intersection can accommodate all the traffic the project will create. He stressed the importance of having residents with an investment in the community rather than guests who are transient. The appearance seemed to be overly dense and not aesthetically pleasing. Mr. Fackrell was also concerned about having a high density housing project so close to downtown Santa Clara.

Herb Basso gave his address as 2490 Vineyard Drive and commented that the project will have a significant impact on the community in terms of the entryway, population, traffic, and the culture and lifestyle of the surrounding neighborhoods. He noted that transition is an important urban planning principle and addresses structure height and mass. Since there are no other properties between the development and the existing neighborhood in order for this principle to be applied, he suggested the following:

- The creation of an appealing east entrance to the City with a monument-type design for the building structure and signage.
- Work with the developer to provide space.
- Create a visual entranceway that includes landscaping and signage.
- Open a corridor that the development creates on Lava Flow by having the first row of buildings closest to the street be one story or set back off of the sidewalk with parking on the street side in order to maximize the space. Plant taller vertical landscaping out front.

- Provide 300 covered and uncovered parking stalls.
- Prepare a development traffic plan and encourage property traffic to exit onto Sunset Boulevard.
- Enter into a Development Agreement to ensure that all requirements are adhered to.

Mr. Basso asked that the developer work with the community and the Planning Commission to ensure that the project fits in the community. He expressed his support for the mix of commercial elements.

Bruce Belmont agreed that aesthetics are very important and stressed the significance of amenities. He reported that vacation rentals are wide-spread and at some point the supply will exceed the demand. Once that occurs, those with amenities will survive. Mr. Belmont did not consider the proposal to be a draw during hard times and it appeared to be a future low-income rent district with three-story buildings that are seven feet apart. He remarked that such a small area cannot be landscaped or beautified and the enormous buildings will flank the entrance to the City. He noted that aesthetically this is a very important piece of property.

James Morris, a Country Lane resident, agreed with the previous comment that the project looks very dense. He asked Mr. Davis if he would want this development built directly behind his home.

Tiffany Phelps gave her address as 686 Sweetspring Drive and was concerned about the unknown aspects of the project. She also commented that the streets seem very narrow. She was concerned about density, safety, and the lack of specific amenities. Ms. Phelps suggested that the developer provide more specifics.

Wes Whitehead gave his address as 2190 Arrowhead Trail and stated that what is proposed will be in his backyard and any large vehicle parked on the street will eliminate the ability for a fire truck to access the property. In these types of developments, most people park on the street rather than in driveways. He was concerned about the safety of children with so many people and cars coming and going from the site. His opinion was that the project was not right for Santa Clara.

Mr. Davis stated that a determination should first be made with respect to commercial or residential. He noted that traffic will result from any type of development and they have done their best to address the safety concerns and work with the community. Parking that can be accommodated in the garage and on driveways was discussed. Mr. Davis stated that his parking calculation included two cars being parked in the garage and one in the driveway. Commissioner Lindsey felt that only two spaces should be counted since with a vacation home it will be difficult for guests to continually move vehicles. He thought it was more realistic for one car to be parked in the garage and one in the driveway. With respect to phasing, Mr. Davis stated that it will be phased according to the phasing plan. The amenities will go in with the first phase on the east side. The west side will be built as Phase 6.

Heidi Kohler, was present on behalf of Project Architect, Richard Kohler. She remarked that the intent of the plan was to create a village feel. As the designer they were open to feedback.

James Call commented that the seven-foot space between the buildings seems small and unusable. His preference was for a larger open space area. Ms. Kohler stated that this design was decided on because it had the most detached feel.

There were no further public comments. The public hearing was closed.

B. General Business.

1. Recommendation to City Council for Zone Change Request from Residential R-1-10 to Historic District/Mixed-Use Zone for Property Located at 2728 Santa Clara Drive, Ryan Anderson, Applicant.

Leina Mathis asked about the size of the proposed garages on the adjoining property owned by Sam Edwards. Mr. Bundy indicated that what is proposed is a three-car garage with an apartment above. The request came in as a mixed use. The front portion was supposed to be a wellness spa with parking in the rear and an office with storage. The area up above was intended to be storage. During construction they discovered that an apartment had been built. Building was stopped and the matter went back through the process and was ultimately approved. He estimated the size to be at least 2,000 square feet.

Commissioner Hendrickson moved to approve the proposed zone change based on receiving approval of the Heritage Commission and compliance with the three issues identified.

Leina Mathis asked how the Code issue was being addressed with respect to size since what is proposed far exceeds the size allowed. It was noted that the problem is that larger sizes have already been allowed and a precedent has been set. Mr. Nicholson explained that the 1,000-foot limit was imposed years ago and was primarily intended to serve as a design review. Anything in excess of 1,000 square feet of ground floor area is required to go through the Heritage Commission and is not a hard cap.

Commissioner Lindsey seconded the motion. Vote on motion: James Call-Aye, Mark Hendrickson-Aye, Jason Lindsey-Aye, Leina Mathis-Nay, Chair Curtis Jensen-Aye. The motion passed 4-to-1.

2. Recommendation to City Council for Amendment to the Planned Development Residential Zone Located Approximately East of Rachel Drive and North of the Harmons Grocery Store on 17.16 Acres. The Proposed Project Contains 185 Single-Family Attached Two-Story Townhomes. Vacation Rentals are not Proposed in this Project. D.R. Horton, Applicant.

James Call commented that the potential to widen the road could potentially impact the proposed plan. He was sensitive to the impacts the project will have on the area as he lives nearby. He had no concerns with the current traffic flow. He recognized that it could be tight for someone riding a bicycle.

Leina Mathis recalled the approval of the South Hills project and there being traffic concerns and bridge requirements. She stated that they somehow restricted the number of building permits that could be issued in the various phases until there was adequate access. She asked if something similar could be done in this situation. Mr. Nicholson stated that it could and the restrictions were part of the Development Agreement and zoning approval. The same would apply here although a traffic study

would be needed to identify the break point and the number of units that can reasonably and safely access Rachel Drive before the connection to Red Mountain Drive is required. It was suggested that the units that back Rachel Drive have additional rock work rather than plain stucco. Commissioner Mathis stated that it would be required on the front elevation to grant the density bonus.

Commissioner Mathis moved to recommend approval to the City Council for the amendment to the PD Residential zone located east of Rachel Drive and north of the Harmons grocery store on 17.16 acres containing 185 single-family attached two-story townhomes and no vacation rental provision. Approval was subject to the following:

Conditions:

- 1. Receipt of the LOMR.**
- 2. Completion of the Traffic Study.**
- 3. Approve the density bonus provision subject to modifying the front elevations on Rachel Drive to include some rock.**

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

- 3. Recommendation to City Council for Amendment to the Planned Development Commercial Zone for a Mixed-Use Project with Both Residential and Commercial Uses on Approximately 9 Acres Located on the South Side of Santa Clara Drive, West of Country Lane and Extending West of Lava Flow Drive, Wes Davis, Applicant.**

Mr. Nicholson commented that one of the questions is whether the conditional use standards that are part of the Planned Residential Zone apply to this project. Staff was of the opinion that they do. He commented that the density bonus specifies that greater densities may be allowed if the landscape plan is superior and building units have superior design and architecture. The applicant plans to make additional changes so the Commission may wish to wait to see what those are.

With regard to density, the calculation does not include the tourist cabins, which are considered commercial, and the live work units. The density is, however, greater than eight units per acre.

Possible options were discussed. Mr. Nicholson explained that in the PD zone the plan becomes the zone. He did not think the City was prepared to act on that because the project is still fluid. He recommended they wait until the developer comes back with the proposed changes. It was clarified that the zoning is not changing but the site plan is. Mr. Davis commented that what is proposed is a permitted use. They are seeking the conditions under which it would be permitted.

Mark Hendrickson was concerned about density and the width of the roads. Ways to provide better access were discussed.

Chair Jensen commented that overnight rentals are becoming a sore subject to some citizens with respect to whether they have been maxed out. They also want assurance that safety measures are in place.

James Call commented on the amenities and agreed that they need to be a draw. He remarked that the desire is not for guests to use City amenities.

Jason Lindsey stated that the amenity package has been a limiting feature of many vacation rental projects that have been approved. He noted that Paradise Village is the standard and the amenity built must be substantial.

Leina Mathis expressed concern with the width of the streets, privatizing the streets, and the amenities package. Her opinion was that if it does not serve the needs of the guests, it is not sufficient.

Chair Jensen commented on the parking and suggested that it be addressed. With regard to aesthetics, he recommended Mr. Davis work with staff on the details. James Call pointed out that for this project he would likely not support a density bonus based on appearance.

Mr. Nicholson suggested the developer pursue public streets that will better accommodate on-street parking. By proposing public streets, there is a design implication in terms of right-of-way, pavement width, and sidewalk on one side of the street. Beyond that, he suggested Mr. Davis maintain the basic setbacks set forth in the ordinance. Recommendation options were discussed.

City Attorney, Devin Snow, reported that in the legal counsel given to staff, the request will be reviewed based on the commercial elements under the commercial zoning. The residential elements will be reviewed under the PDR.

Commissioner Call moved to table the recommendation to the City Council on an amendment to the Planned Development Commercial zone for a mixed-use project with both residential and commercial uses on approximately nine acres located south of Santa Clara Drive until there is a more defined plan incorporating and including the comments and suggestions put forth by the Planning Commission. Commissioner Mathis seconded the motion. The motion passed with the unanimous consent of the Commission.

4. Consideration of a Conditional Use Permit Request for a Mixed-Use Project in the PD-C Zone as Part of the Clara Corners Project See #3 Above. Wes Davis, Applicant.

Commissioner Lindsey moved to table consideration of approval on the Conditional Use Request for a mixed-use project in the PD-C zone as part of the Clara Corners Project until an updated plan is available and representation by the developer that they will work and meet with staff. Commissioner Hendrickson seconded the motion. The motion passed with the unanimous consent of the Commission.

5. **Recommendation to the City Council of Preliminary and Final Plat for Little Lava Subdivision with 6 Lots, Located on the West Side of Lava Cove Drive, on the South Side of Pioneer Parkway, Ezra Lee, Applicant.**

Mr. Nicholson presented the staff report and stated that the applicants are seeking preliminary and final plat approval tonight. Approximately 10 years ago the project came through the approval process and got as far as final plat approval. The recession hit and the project was never recorded. They are now starting over per the subdivision ordinance. There are six lots proposed just south of Pioneer Parkway, which were identified on a site map displayed. Between Units 4 and 5 there will be a proposed swimming pool. The applicants are asking for approval of short-term rentals. The project was originally approved with private streets but the City requested that they be public. His understanding was that the engineer widened the street in order for it to be public. Four parking stalls were proposed adjacent to the swimming pool. The developers will construct a privacy wall and landscaping on the street side along Pioneer Parkway. On the rear there will be curb, gutter, sidewalk, and a privacy wall and in the front will be the street on the south. Mr. Bundy reported that the developers are also proposing an asphalt path on the west end to connect to the existing path. It was noted that there will be a gated community across the street.

The applicant, Ezra Lee, reported that he runs a Salt Lake City based design-build firm. He plans to build a home on Lot 5 that will serve as a second home. The intent of the project is for it to be a single-family home community with homes that are self-contained. All of the landscaping will be owned and maintained by the HOA. They intend to use maintenance-free materials, maintain low roof lines, and parapet walls. Each of the homes will be designed specifically for the lot they are on and range in size from two to four bedrooms. Two-car garages are proposed with every home. RVs and boats will not be permitted to park outside. Mr. Lee identified the primary concern as noise. They proposed a wall on the south side to mitigate as much sound as possible and provide privacy.

The proposed amenities include a pool, barbeque area, pavilion, and sand volleyball court. Mr. Lee confirmed that an HOA will be established.

James Call identified the nearby short-term rental projects such as Lava Falls in Entrada. With regard to amenities, staff felt that what was proposed was adequate.

Although not scheduled for public hearing, Chair Jensen opened the meeting to public comment.

Wendy Day gave her address as 28 Bedrock Circle and stated that the project will be in her backyard. This was the first she had heard from the developer about his plans. She lives in Lava Cove at Entrada and 10 feet from her back door will be a three-foot wall and then the road. When she purchased her home three years ago, they knew the subject property could be developed but thought it would be an extension of Lava Cove and not short-term rentals. She was concerned about the potential for noise, cars, and people and questioned the ability for emergency vehicles to access the property. Ms. Day noted that the final plat does not contain information about mitigation of the existing storm water that empties onto the property. Something would be needed to move the Entrada and Pioneer Parkway street drainage into the Lava Cove gutter or storm drain system. In addition, she felt that a steel reinforced wall should be placed along Pioneer Parkway. Ms. Day questioned whether adequate parking was available and there was no provision for boats, trailers, and RVs. Overflow parking into Lava Cove at Entrada would be unacceptable. Ms. Day stated that the project will impact their quality of life and the value of the property significantly.

Mr. Snow clarified that the Planning Commission is acting as the land use authority on the Conditional Use Permit and clarified that the courts have specified that they can consider only data and facts and not public clamor.

John Steadman reported that they downsized eight years ago and love the community. They have found Lava Cove at Entrada to be a very quiet, well run community. The CC&Rs do not allow on-street parking and they park in their garage with the garage door closed. When they purchased their home they were told that the property would be developed as an extension of Lava Cove. Mr. Steadman wanted to preserve his property values and was concerned about the transient nature of short-term rentals.

Vince Groves gave his address as 29 Bedrock Circle and had similar concerns to those expressed previously. He was concerned that their property values will be impacted by having short-term rentals in such close proximity. He commented that the goal is for the developer to make money and not to consider the desires of the community.

William Todd gave his address as 14 Boulder Circle. While he will not be directly impacted by the project, he appreciated that the developer is proposing to construct a wall and a sidewalk. He hoped they would also consider a planter to enhance the brick wall. Mr. Todd commented that they were not made aware of the details of the proposed project but it appears to be consistent with what exists to the south. He asked that the developer consider the issues raised.

John R. Smith gave his address as 43 Boulder Circle and commented that the current zoning is PD Residential and not short-term rental. The neighbors purchased their homes with an understanding of the property zoning. To change the rules at this stage was unfair to the citizens. Mr. Smith suggested they consider their desires and not only those of the developer.

There were no further public comments. The public hearing was closed.

Mr. Snow clarified that the property is in the PR zone and the use is a conditional use in the zone and does not require a zone change. He noted that by designating a use in a zone, they are inviting the use to occur. State law standards governing the granting of a Conditional Use Permit specifies that the Conditional Use Permit must be granted unless there are no conditions that can be imposed that can mitigate the detrimental effects.

Mr. Nicholson suggested the possibility of increasing the height of the wall from three to five feet.

Chair Jensen commented that the applicant has demonstrated that he is conscientious of the neighbors and the requirements and has done his best to address the concerns. Property rights issues were discussed. Mr. Smith asked what steps could be taken if the conditions are not adhered to. Mr. Snow stated that if a condition imposed by the Commission is violated, the Conditional Use Permit could be revoked. Mr. Nicholson referenced Ordinance Section 17.40.055, which sets forth pre-established conditions. One that could apply pertains to excessive noise. If the project generates excessive noise, that would be grounds for the City to revoke the Conditional Use Permit. Leina Mathis asked how that could be proven as it is very subjective. Mr. Nicholson stated that it would not be easy but noise levels could be documented.

Commissioner Call moved to recommend approval to the City Council of the preliminary and final plats for Little Lava Subdivision consisting of six lots located on the west side of Lava Flow Drive. Approval was for the amended plat showing the public streets. Commissioner Hendrickson seconded the motion. The motion passed with the unanimous consent of the Commission.

6. **Consideration of a Conditional Use Permit Request to Allow for Short-Term Rentals of the Six Homes in the Proposed Subdivision, See Item 5 Above. Ezra Lee, Applicant.**

Commissioner Hendrickson moved to recommend approval to the City Council of the Conditional Use Permit request to allow for short-term rentals of the six homes in the proposed subdivision based on adherence to the conditions listed in Sections 17.68.060 and 17.40.055 of the zoning ordinance. Commissioner Mathis seconded the motion. The motion passed with the unanimous consent of the Commission.

5. **Discussion Items.**

There were no discussion items.

6. **Approval of Minutes.**

A. **Request Approval of April 11, 2019 Regular Meeting Minutes.**

Commissioner Lindsey moved to approve the minutes of the April 11, 2019, Regular Meeting. Commissioner Mathis seconded the motion. The motion passed with the unanimous consent of the Commission.

7. **Adjournment.**

The Planning Commission Meeting adjourned at approximately 8:50 p.m.

Corey Bundy
Community Development Director

Approved: June 13, 2019