

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, July 11, 2019**

**Present:** Leina Mathis, Chair  
James Call  
Mark Hendrickson  
Jason Lindsey  
Mark Weston

**Staff:** Bob Nicholson, City Planner  
Jack Taylor, Public Works Director  
Devin Snow, City Attorney  
Selena Nez, Planning Commission Secretary

**Excused:** Michael Day  
Marv Wilson

**1. Call to Order.**

Chair Leina Mathis called the meeting to order at 5:32 p.m.

**2. Opening Ceremony.**

Leina Mathis 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. None.**

**B. General Business.**

**1. Determine if an RV Service Shop is in Harmony with the Character, Intent, and Purpose of the Commercial Zone, and Consider Approval of the Site Plan. Doug Rogers, Representing.**

City Planner, Bob Nicholson presented the staff report and stated that the request has two parts. The first is to determine the use since an RV service shop is not a listed use in the zone. The chapter,

however, specifies that other uses similar to the above that are in harmony with the purpose and intent of the zone and can be considered and approved by the Planning Commission. Jim's RV Service is currently located at 1425 Sunset Boulevard in St. George and has been there for 30 years. The applicant is proposing to relocate to 2398 Santa Clara Drive.

Mr. Nicholson reported that the subject parcels are located west of the consignment store. Jim's RV Service performs maintenance work including appliance, electrical, roof repairs, and minor body work. They do not perform work on the chassis or engine, which is sublet to other shops if the need arises. In the commercial zone, tire sales and service, hardware stores, and automobile part sales are listed as permitted uses. In addition, Pearson's Auto Shop is located nearby where car service and tire sales are conducted. RV repair appeared to be very similar. The Commission should determine whether this is in harmony with the character and intent of the commercial zone.

Mr. Nicholson reported that there is existing curb, gutter, and sidewalk in front of the property and the applicants are proposing to install a six-foot landscape strip. Staff encouraged them to increase that to at least eight feet. The building is set back about 60 feet. There are two entrances onto Santa Clara Drive and no access onto Arrowhead Trail. A retaining wall will be built along Arrowhead Trail as well as a landscape strip. Mr. Nicholson indicated that the applicant was informed that the City will need some right-of-way dedication along the property. It varies from 13 feet on the west end to 7 to 9 feet. The proposed building is 3,471 square feet in size. The parking ordinance requires one space per 400 square feet for a total of nine parking stalls. The applicants are proposing 16 spaces. A detention basin is proposed in the corner for storm water detention.

In response to question raised, Mr. Nicholson stated that the fencing material adjacent to the building will be chain link. It was noted that the fence will be set back behind the front of the building.

Chair Mathis asked if the applicant had any concerns with the eight-foot planter strip request. The applicant's representative, Doug Rogers, stated that the biggest challenge will be to ensure that there is adequate parking in front of the building. Jason Lindsey asked if the road is a dedicated road. Mr. Rogers stated that it is not. Public Works Director, Jack Taylor stated that the right-of-way dedication will include the road dedication as well as curb and gutter. The owner can opt to install curb and gutter now or pay up front and have the City install them. Mr. Rogers' understanding was that they could bond for the improvements and then when the improvements are made to the road, it will blend together. Mr. Taylor was not sure when that will occur.

Mr. Rogers commented that with the stepped walls they will plant the trees on the bottom portion. If they plant them up above, the roots could damage the walls. They would want specifics on when that is expected to occur. Mr. Taylor stated that it is designed and they know how much property needs to be taken from the subject parcel. He offered to put Mr. Rogers in touch with the engineer at Bush & Gudgell. It was confirmed that the wall along Arrowhead Trail will be eight feet in height. Mr. Rogers stated that the Technical Review Commission (TRC) indicated that they would like the wall to be stepped. He noted that the parcel will be asphalted.

**Commissioner Hendrickson moved to approve the use of an RV Service Shop as a permitted use in the commercial zone and approve the site plan, as noted. The applicant shall work with the City to accommodate the requirements for the road dedication.**

Commissioner Lindsey asked if they need to further discuss whether the proposed use is in harmony with the character of the zone. City Attorney, Devin Snow stated that the Commission could choose to be more specific although it was implied in the motion.

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

**2. Recommendation to City Council of Final Plat for The Sycamores at Santa Clara Phase 1B, with 16 Lots on approximately 14.6 Acres in the R-1-10 Zone located East of Gates Lane, South of the Santa Clara River**

Mr. Nicholson presented the staff report and stated that the request is for final plat approval of The Sycamores Phase 1B. The request was presented at the last meeting as an amended preliminary plat because the applicant needs to split the project into two phases for financing purposes. 16 lots are proposed on 14.6 acres. The preliminary plat was approved in 2015 and at their last meeting, the City Council approved the amended preliminary plat. They are now submitting the final plat. Allen Hall from Rosenberg Associates is the Project Engineer. The lower portion of the property slopes and was approved by the Hillside Review Board who approved the request with the exception of Lots 35 and 36. They wanted to review those two lots again when building is imminent.

Mr. Nicholson reported that a wash runs through the property and a detention basin will be created south of Lot 34. For the detention basin, the stormwater will be piped underground along the public street near the Santa Clara River where the stormwater will enter. A significant portion of the bank has been rip rapped along the Santa Clara River. Rock is also piled up on the surface. The applicants will need to bury the rip rap along Lots 7, 8, and 9, which will complete the rip rap along the riverbank. Staff felt the plat was ready for approval.

**Commissioner Lindsey moved to recommend approval to the City Council of the final plat for The Sycamores at Santa Clara Phase 1B, with 16 lots on approximately 14.6 acres in the R-1-10 zone. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.**

**3. Recommendation to the City Council of Preliminary Plat for Split Rock; a 185-Unit Townhome Development located East of Rachel Drive (East of Lava Ridge Intermediate School) and North of Harmons Store on 17.18 Acres. D.R. Horton Homes, Applicant.**

Mr. Nicholson presented the staff report and stated that the project was reviewed previously and came forward with an amended Planned Development zone. The property is located east of Lava Ridge Intermediate School and north of the Harmons store. The General Plan designation for the area is medium-density. The Project Engineers were identified as Jason Smith and Allen Hall from Rosenberg Associates. The request is for 185 units. The exterior building materials and landscaping were reviewed at the last meeting along with the project amenities.

Mr. Nicholson explained that the units along Rachel Drive have what appears to be two frontages. They appear to front Rachel Drive, which is positive, and enter from a private street on the interior. No driveways access Rachel Drive. All streets within the project are public. The applicants continued to work with FEMA to obtain the Letter of Map Revision (LOMR) and the City was confident that

that will be approved. The primary issue addressed at the last meeting was traffic. The roads are public and will be required to meet all applicable standards with deceleration lanes on Rachel Drive. The applicants submitted a Traffic Impact Study with recommendations. There was discussion of a third access onto Red Mountain Drive but was determined to not be immediately needed. The two accesses to Rachel Drive will accommodate the traffic need for the proposed project. Both project accesses onto Rachel Drive were expected to operate at a Level of Service D or better at full project buildout, which was deemed acceptable.

It was recommended that the planted median within Rachel Drive be altered or removed to support the southbound left turn pocket on Rachel Drive at the south project access. The main source of congestion on Rachel Drive during the morning ingress involves the northbound left turn lane into the student drop off loop.

Mr. Nicholson reported that over the years the school has asked that parents dropping off students use Driveway 6 but that has not happened. Instead, parents are going to Driveway 3 and holding up traffic while they wait to make a left hand turn. The study states that the school should make a renewed effort to convince parents to use the south drop off area. Mr. Taylor stated that when the center median is removed at Number 3 there have been issues with cars stacking and causing delays. Staff recommended that the islands be removed and asphalted to provide more room for stacking. The crosswalk would remain for students to cross.

Commissioner Call commented that he lives nearby and has seen children riding bikes and walking on the sidewalk and on the street. He wondered how that will be impacted by the additional traffic. Mr. Taylor stated that the school has a safe route plan, which will be followed. Once the development goes in, there will be sidewalk and curb and gutter, which will be extended to Harmons. He noted that very few students come from the development up above on the east side of the road. In the interest of safety, Mr. Taylor suggested that students and parents be educated.

Jason Lindsey asked about the agreement between the school district and the City for the use of the Gubler Field parking lot for drop offs. Mr. Taylor stated that they have simply been allowed to use it. Commissioner Call commented that there seems to be signage there directing parents to use Number 6. Commissioner Lindsey commented that it is a choice that motorists are making.

Jason Lindsey also noted that removing the islands will increase the traffic in the northbound lanes. Mr. Taylor stated that currently there is no crossing guard there. Once the development goes in, he expected a crossing guard to be assigned there. Mark Weston commented that the townhomes will be starter homes so there will likely be a lot of children there. He suggested the City strongly recommend that the school place cones across Entry Number 3 for the first few months of the school year. He asked who will tear out and replace the islands. Mr. Nicholson stated that the developer will be asked to do it.

A parent of children who attend the school stated that no one wants to go to Number 6. Mark Hendrickson commented that by requiring the road to be improved, there will be safety enhancements on both sides because they will get the center lane of traffic. He thought it would be safer to have a deceleration lane.

Jason Smith was present representing the applicant and stated that the Traffic Engineer informed him that the median deters motorists from making a U-turn if traffic is stacked. One aspect of the change

will make the situation less safe. They want to further discuss the specifics of the proposed change. The Traffic Engineer recommended a turn lane on the side that will mirror the existing pocket on the south. Chair Mathis suggested that once the median is removed that they post a “no U-turn” sign.

Don Bean identified himself as the Project Manager for D.R. Horton. He stated that they would prefer to not pay for the whole thing but they want to do their part. Because they are not 100% responsible for the problem, he was not sure they should be expected to pay the entire cost. The cost was not yet known and would have to be researched. Mr. Taylor stated that the City is not creating the problem so they feel the cost should be borne by the developer. Other possible solutions were discussed. Mr. Taylor stated that because of the impact, the developer has an obligation to help resolve the problem. Mr. Bean agreed that they should help. In response to a question raised, Mr. Bean stated that the units will be sold individually.

Mr. Taylor reported that the City’s engineers have been working with Ivins City and the portion within Santa Clara has been approved. The issue has been with areas in Ivins. The entire reach of the wash will be approved at one time. He expected to receive an approval any day. He noted that the Ivins issues have also been resolved and submitted.

**Commissioner Weston moved to recommend approval to the City Council of the preliminary plat for Split Rock; a 185-unit townhome development located east of Rachel Drive (east of Lava Ridge Intermediate School) and north of the Harmons Store on 17.18 acres contingent upon the following:**

- 1. Approval of the LOMR.**
- 2. Follow the recommendations of the Traffic Impact Study to improve traffic flow on Rachel Drive. Stub a street to the east over the Tuacahn Wash for future connection to Red Mountain Drive which will improve the LOS for the two project access points onto Rachel Drive.**

**Commissioner Hendrickson seconded the motion.**

Commissioner Lindsay asked if preliminary approval should be subject to the LOMR rather than final plat. Mr. Taylor stated that some units are not in the flood plain so they could begin work on the upper phases and wait until the LOMR is approved for the lower area. If it is determined that the LOMR is inhibiting the construction of some units, they could mitigate it or wait to proceed with construction.

**Commissioner Weston moved to amend his motion to specify that final plat approval shall be subject to the LOMR. Commissioner Hendrickson seconded the amended motion. The motion passed with the unanimous consent of the Commission.**

- 4. Recommendation to City Council for Amended Planned Development Commercial Zone called Clara Corners 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.**

Mr. Nicholson stated that the City Attorney pointed out that the previous agenda always interpreted

the request as including residential units. When the matter was first reviewed by the Planning Commission, it was listed on the agenda as approval with the mixed-use portion listed as a conditional use. Mr. Snow pointed out that it was not on tonight's agenda. A determination needed to be made as to whether the Planning Commission can take action. Mr. Snow stated that the matter can be discussed tonight but no action should be taken on the conditional use permit element.

Project Architect, Richard Kohler stated that in his opinion the matter was properly noticed. He referenced Section 17.68.110 of the ordinance and stated that when a project consists of multiple phases, an applicant must show how the proposed project meets the purpose of the specific plan development district, the overall project density, the density of land use components, the land use mix and percentages, general vehicular and pedestrian circulation including the location and capacity of facilities, and internal and external connections. Other site and project design criteria shall be reviewed at the phase plan stage. Reference is also made to the beginning of the Planned District (PD) zones and encourages flexibility and creativity in the design and development of comprehensively planned projects that would not be possible under conventional zoning districts.

Mr. Kohler was of the opinion that they correctly comply with the PD zones, which is the underlying zoning because all of their uses are nightly and short-term rentals. He explained that what is proposed are hotel uses in structures that appear to be detached homes. As an architect, the project was intended to be designed as a village. The intent was for the area to have a feel that is different than a commercial project.

Mr. Nicholson explained that the requirements are straight forward in the Code. One of the conditional uses is mixed-use such as commercial, office, or residential within the same building or in the same site. He believed it was appropriately called mixed use and in the Code it is categorized as a conditional use. He remarked that the units will not be vacant. Mr. Kohler referenced Appendix A, which indicates that they will be rented nightly or for a term of less than 270 days. As a result, the use qualifies as short-term or nightly rentals, which qualify as an extended stay or nightly rental hotel and is a permitted use. The only conditional use would be the office in the three-story building and possibly the parking.

Chair Mathis' understanding was that the intent was to sell off the individual uses and condominiumize them so it will not be run as a hotel. Mr. Kohler confirmed that that is the case and stated that the covenants will require they be rentals. He referred to the Hotel Park City which is a similar use. In this case, however, they have split it up so that they appear to be separate units. That was done intentionally because of comments they have received from neighbors. By law, they cannot require individual owners to rent through one agency. Appendix A specifies that as the developer, they can form a master association where management staff can be on site and paid by the owners association. The intent was to provide seamless operation of the project.

Chair Mathis commented that the project plan phase requires a public hearing. A public hearing was held about one month earlier and she questioned whether that fulfills the public hearing requirement for the project. Mr. Snow confirmed that it does. Noticing issues were discussed. Mr. Snow explained that in order to act on the conditional use, it would need to be on the agenda. The applicant claimed that he does not need a conditional use permit because the use is permitted.

James Call recalled that at a previous meeting, the Commission shared concerns with Wes Davis. He asked if those had been remedied. One issue was with the streets being made public and the amenities

for the short-term rentals. Mr. Nicholson reported that Mr. Davis indicated that he met with a number of neighbors and the plan presented does not represent what they really want to see developed there. Mr. Kohler stated that some of the modifications included the addition of parking stalls and widening the streets in certain places. Changes that were discussed included a wall along Lava Flow as requested by the neighbors. Because the property is zoned commercial and because of the configuration, a wall was not appropriate. The desire was for the commercial to be visible.

Mr. Kohler explained that they are proposing private streets that would be approximately the same width as a public street. At a recent TRC meeting, Jack Taylor pointed out that in residential projects there is an issue with double taxation and equity. The difference is that this is a commercial project. Mr. Taylor commented that the roads as proposed currently, do not meet City standards. A determination would need to be made as to whether to allow them to be private. The minimum standard for asphalt is 28 feet. The pros and cons of public versus private streets were discussed. Mr. Taylor stated that often once a development is completed the owners get tired of replacing the asphalt and maintaining it. Proper maintenance is frequently not performed and after a few years the City is asked to take it over. In this case, Mr. Taylor questioned whether the City would ever accept it because it does not meet City standards. Staff also expressed concern with the design.

Mr. Kohler provided the Commission with literature claiming that as streets narrow they become safer. The intent was to have a 20-foot road with parking and driveways to one side and visually tell people where to park. He indicated that there is enough width on the driveways on the right side for cars to park. Mr. Kohler and the applicant also spoke with the Fire Chief who is pleased with what is proposed. He stated that there will be a 20-foot width for emergency vehicles and the roads will be safe and what is proposed is permissible.

Mr. Taylor stated that there have been issues in the City with vacation rentals where guests come with trucks and trailers, boats, and jet skis and there is no adequate parking for them. Chair Mathis stressed the importance of streets and parking. She measured her truck, which is seven feet wide, and stated that she would only have six inches on each side. Mr. Kohler stated that normally parking stalls are nine feet wide. In this case, there is sidewalk on one side with a 20-foot wide street on the opposite side. Handicap parking will also be provided. He stated that they have thought the project through and have been consistent and simply need the opportunity to proceed.

Commissioner Hendrickson commented that the concerns with parking and streets have not been addressed in the revision. He read the appendices but he was not comfortable with private streets in the community and does not approve of the proposed style of parking. He reported that he owns a home in Bear Hollow in Park City and because there is no parking for his truck and trailer, he has to park off-site. Mr. Kohler stated that the Bear Hollow development should not have attracted Commissioner Hendrickson as a buyer. As architects and planners, they try to tailor the product to solve potential problems. He referred to Pad A near Country Lane and stated that they can use it to address the issue if it becomes a problem. He questioned whether the Commission would want to see RV parking on that very visible corner. Commissioner Hendrickson stated that that is not what they are asking him to do. They are asking that he provide other parking on site. Mr. Kohler stated that RVs can be accommodated in two parallel parking stalls temporarily. Those who purchase property here, however, will have to find off-site parking. He stressed that the project is not residentially zoned.

Chair Mathis asked for clarification. Mr. Snow explained that the request is for PD Commercial. If the Commission is inclined to deny the request, they should deny the plan recognizing the legal issues. If they are inclined to approve the request, it would be prudent for the Commission to table the matter to require a conditional use permit.

Mr. Nicholson commented that the seven-foot separation between the three-story units on the back side does not comply with the zoning, which requires 10 feet. With regard to traffic, the PD zone specifies that all interior streets and roads will be owned and maintained by the City of Santa Clara. All streets and roads must meet Santa Clara City specifications. There is flexibility and an applicant can propose alternative designs, however, exceptions to City standards relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the City Council. Mr. Nicholson expressed concern with the cross-section submitted by Mr. Kohler and considered it to be insufficient. No feedback had been received from the Traffic Engineer indicating that what is proposed will work.

Mr. Kohler stated that the ordinance specifies that at this stage they are supposed to explain why they believe they have an appropriate mix of public and private roadways. James Call did not consider what was submitted to be materially different from what was submitted two months earlier. He agreed that the seven-foot separation between three-story buildings is adequate. He also did not see any amenities proposed or a reasonable mix of public and private streets.

Jason Lindsey asked if the bonus density is applicable with a PUD. Mr. Nicholson stated that the bonus density is a subset of the Planned Development Residential. The short-term rental would apply when it is a mixed use. He stated that this was the first he was made aware of the intent of the developer to have the entire nine acres be a hotel/motel use.

Mr. Hendrickson recalled Wes Davis stating that there was to be a residential mix in the project. Mr. Kohler commented that he designed the project as a combination of different permitted uses and not a mixed use. He also met with the TRC and in February indicated that it was a mixed-use project. Since then, they have refined the application to clarify that it is actually a combination of permitted uses with the exception of the building on the corner. Jason Lindsey considered that to be a sneaky approach to avoid a public hearing. Commissioner Call made it clear that the three main issues were parking, roadways, and amenities but noted that the plan had not been amended.

Mr. Kohler stated that he moved the first phase amenity into the first phase real estate, which is shown on the drawings. Mr. Nicholson explained that the project plan is required as part of the PUD amendment. Mr. Kohler stated that the RV parking is a phase plan discussion according to the language in the ordinance. James Call did not agree. Mr. Kohler read from the ordinance and believed it was appropriate for them to go to the City Council where the details should be discussed if the village concept meets the approval of the Planning Commission. He believed that what is proposed is desirable both visually and functionally. He stated that they need the private streets to make the project workable. It is imperative that they have on-site management, which will relieve the burden on the Police Department and City Administration.

Although the matter was not noticed as a public hearing, public comment was allowed.

Jeff Makena gave his address as 645 Rice Lane Avenue and acknowledged that this is a very sensitive issue. The developer, Austin Anderson in speaking to the group, was sensitive to the fact that this is

a cornerstone piece that they want to be a resort village. Instead, there will be very narrow streets and the neighbors were not given any indication of what the property will look like. He stated that there is no other place in the City with higher pedestrian traffic and younger children than there. He remarked that this is a critical development and saw no change from the previous iteration. Traffic issues had also not been addressed.

From the beginning, the neighbors have stressed that they do not want an extended stay hotel here. They would, however, support a second home and rental type of situation. The hotel component without residential is completely contrary to every meeting with the neighbors. The amenity package was supposed to give the project a resort appearance. Mr. Makena stressed that this will be the first thing people will see when they drive into the community. They do not want dilapidated streets 20 years from now since it is well documented that it is difficult to get property owners to come up with the funds necessary to rebuild roads. It was suggested that a place for RV parking be designated somewhere on the site. He stressed that what is proposed is not consistent with what the neighbors want for the community. Possible options were discussed.

**Commissioner Call moved to table the request and give the applicant more time to do their due diligence and reconsider the parking and public streets. If short-term rentals are proposed, they should include an amenities package, as discussed. The motion died for lack of a second.**

Commissioner Call clarified for the benefit of the applicant that the streets need to be public, the spacing between buildings needs to be increased, the amenities for the short-term rentals need to be good, and there needs to be better parking that will accommodate RVs.

Mr. Kohler suggested that due to the level of disagreement, that the motion be changed to a denial. Commissioner Call was not opposed to the village concept and liked the idea of walkability and new urban development. He did not consider what is proposed to be in harmony with anything else in the community.

Jason Lindsey thought the project was close and liked the mixed-use aspect and the village feel. He also was not opposed to the idea of nightly rentals and liked the fact that the property is not behind a neighborhood that could potentially be impacted. He was of the opinion that the problems addressed can be resolved.

Mr. Kohler stated that if they have to develop public streets, the project will not work and they will not have the control to accomplish what they are promising. He remarked that there are aspects of the proposal that the Planning Commission is resistant to consider. He commented that showing the amenities at this stage would be a major economic burden on his clients. If what is proposed is not workable he reiterated that he would prefer a denial. He stressed that from their perspective, they are in compliance with the ordinance. He disagreed with the Commission that the streets are too narrow and considered them to be adequate. Mr. Nicholson commented that there are aspects of the proposal that the TRC does not feel good about. Mr. Kohler stated that they believe that the project has been designed to the ordinance and they are being asked to provide things tonight that they are not supposed to do now. He believed that they are entitled to have the matter continued on to the City Council.

It was noted that the Planning Commission is a recommending body and the City Council will make the final decision. Procedural issues were discussed.

**Commissioner Lindsey moved to recommend denial to the City Council based on the following:**

- 1. The commercial aspect of the property.**
- 2. Aspects of the request that have not be addressed including:**
  - a. Lack of parking.**
  - b. Road width.**
  - c. Amenity package.**
  - d. Private versus public road.**

**Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission. 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 June 13, 2019 Regular Meeting Minutes.**

**Commissioner Weston moved to approve the minutes of June 13, 2019. Commissioner Lindsey seconded the motion. The motion passed with the unanimous consent of the Commission.**

**7. Adjournment.**

The Planning Commission Meeting adjourned at approximately 7:42 p.m.

---

Corey Bundy  
Community Development Director

Approved: August 8, 2019