

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, March 23, 2023**

**Present:** Mark Hendrickson, Chair  
Ryan Anderson  
Logan Blake  
James Call  
Shelly Harris  
Curtis Whitehead (via Zoom)

**Staff:** Jim McNulty, Planning and Economic Development Manager  
Cody Mitchell, Building Official  
Selena Nez, Deputy City Recorder  
Matt Ence, City Attorney

**Excused:** Mark Weston

**1. Call to Order.**

Chair Mark Hendrickson called the meeting to order at 5:30 p.m.

**2. Opening Ceremony.**

**A. Pledge of Allegiance: Ryan Anderson.**

**B. Opening Comments (Invocation): Mark Hendrickson.**

**3. Communications and Appearances.**

There were no communications or appearances.

**4. Working Agenda.**

**A. Public Hearings.**

- i. Consider a Proposed Rezoning of Property at Approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, Described as 1.48 acres). Split Rock Construction is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone, and the Planned Development Commercial, PDC Zone, to the R-1-6 Single-Family Residential Zone. The Proposed Rezoning is Part of the Process to Allow for a Proposed Single-Family Residential Subdivision.**

Planning and Economic Development Manager, Jim McNulty presented the Staff Report and stated that the applicant is Split Rock Construction. The application is a proposal to rezone a 1.48-acre parcel located at 2276 Arrowhead Trail. The applicant submitted a Concept Plan that included seven

single-family lots with lots ranging from approximately 6,000 to 12,000 square feet in size. The Concept Plan was provided to let the Planning Commission know what was intended to be developed. Mr. McNulty explained that the proposal was to rezone the property R-1-6.

Previously, the item was reviewed by the Planning Commission and the City Council for a General Plan Amendment. A public hearing was held, and a recommendation was made by the Planning Commission on February 23, 2023. The item went to the City Council on March 8, 2023, for consideration. The Council agreed with the amendment, which placed a Medium-Density Residential (“MDR”) land use on the property, in support of the proposed R-1-6 Zone. Mr. McNulty reported that notices were sent to property owners within 300 feet. The property had also been posted. However, no responses were received by staff.

The General Plan Map referenced MDR and single-family structures and townhomes on small lots with a density of three to 12 dwelling units per acre. The proposed rezone application would allow for single-family homes on lots of 6,000 square feet or greater. The use was encouraged by the General Plan. The rezoning consideration per Chapter 17.18.090, contained items for consideration that were listed as A through H. Mr. McNulty reviewed the following:

- A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? (Yes.)
- B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property? (No.)
- C. Are there substantial reasons why the property cannot or should not be used as currently zoned? (Yes.)
- D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection? (No.)
- E. Is the proposed use compatible with the purpose and intent of the General Plan? (Yes.)
- F. Will the use be consistent with the purpose and intent of the proposed zoning district? (Yes.)
- G. Is the proposed use supported by new or changing conditions not anticipated by the General Plan? (No.)
- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property? (Yes.)

The rezone application was reviewed by Staff and the City’s legal counsel who believe the proposed rezone is in harmony with the existing single-family neighborhood. Previously, it was recommended that the applicant consider developing the site as a small lot single-family subdivision due to the recently adopted R-1-6 Zone. The applicant was following that recommendation. The State Statute was met per Utah Code Section 10-9a-205.

City Staff recommended that the Planning Commission review the submitted Rezoning Application and determine whether the application was complete. If the application was determined to be complete, Staff recommended that the Planning Commission forward a recommendation to the City Council for their review and consideration of the application, subject to the Conditions of Approval and Findings of Fact outlined in the Staff Report.

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

- ii. **Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, Described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that would Include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. McNulty presented the Staff Report and identified the applicant as Clayton Leavitt. He noted that a number of residents were present to hear more about the item. The applicant was requesting a rezone for the 18.09-acre property located at 400 East/Patricia Drive and Pioneer Parkway. The property is currently zoned R-1-10 Single-Family Residential and the applicant was proposing to rezone it to the Planned Development Residential (“PDR”) Zone, to allow for a proposed residential project that would include single-family homes, multi-family townhomes, and amenities.

The applicant has been working with City Staff on the project design for several months. Mr. McNulty reported that the item was discussed several times during weekly Technical Review Committee Meetings and on May 4 and June 1, 2022, during City Council Work Meetings. He noted that a number of residents attended those Work Meetings. Mr. McNulty shared renderings and reviewed the Project Plan Review Items with the Commission:

1. Residential Unit Count: The Project Plan includes a total of one hundred forty-four (144) units on 18.09 acres of property. This equates to a density of 7.96 units/acre. A total of 69 single-family lots/pad lots are proposed along with 75 multi-family townhomes units. The PDR Zone allows for a base density of 8 units/acre. The applicant is not requesting a density bonus for the project. The PDR Zone allows for a potential density bonus that reaches up to 12 units per acre, but the Project Plan proposes 7.96 units per acre.
2. Project Phasing Plan: A Phasing Plan has been included for the overall project. A total of 8 phases have been proposed including, Phases 1A, 1B, 2, 3, 4, 5, 6, and 7. The Phasing Plan will be required as part of the Planned Development, PD Subdivision review process.

Phase 1A proposed single-family lots that would front Patricia Drive. Lots 1 through 7 were approximately 8,000 square feet in size with Lots 8 through 14 being 6,000 square-foot lots. Phase 1B was on the interior and included smaller pad lots with single-family detached housing. The pool and restroom facilities would also be included in that phase. Phase 2 would include single-family

homes and pickleball courts. Phase 3 would include more of the single-family pad lot homes as well as Phase 4 to the south. Phase 5 would transition to the north and include multi-family townhomes. Phase 6 included multi-family townhomes as did Phase 7 of the proposed project. Some of the townhomes for Phase 7 were proposed to back onto 400 East.

3. Building Design/Materials/Height/Setbacks: Chapter 17.68 requires the review of building design, building materials, building height, and building setbacks. The Project Plan includes both single-family homes and multi-family townhomes as follows:
  - Single-Family Home Lots/Pad Lots. Both one-story and two-story traditional home designs were proposed for the single-family lots. Home sizes will range from 1,500 to 3,000 square feet. Four to five different models with varying elevations and materials, including multiple brick and stone options, along with stucco, and tile roof options. Rambler homes will be approximately 20 feet in height, with two-story homes being 27 feet in height. Lots 1 – 14 (traditional lots) will have a 20-foot front yard setback, with 8-foot side yards, and a rear yard of 10 feet. Lots (pad lots) 31 - 44 and 46 – 69 will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback will be 16 feet between each building, with a rear setback of 10 feet.
  - Single-Family Pad Lot/Narrow Homes. The smaller/narrow pad lot single-family homes will include a two-story design. Homes sizes will range from 1,700 to 1,850 square feet. Four different models with varying elevations and materials, including multiple brick and stone options along with Hardie Board, stucco, and tile roof options. The two-story homes will be approximately 25 to 27 feet in height. Lots 15 – 30, and 45, will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback will be 16 feet between each building, with a rear setback of 10 feet.
  - One-Story Townhomes. These units include two bedrooms and two bathrooms homes with a one-car garage and two-car driveway. The proposed units would be approximately 985 to 1,100 square feet in size. A two-car driveway will be included in front of each unit. Two different color palettes with a variety of building materials including brick and stone, Hardie Board, stucco, and tile roof options are proposed. The one-story townhomes will be approximately 22 feet in height. Units 70, 74, 75, 79, and 80 – 94 will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback between buildings will be 12 feet with a rear setback of 10 feet.
  - Two-Story Townhomes. These units include 3 and 4 bedrooms, and 2.5 baths with a two-car garage and two-car driveway. The proposed units will be 1,400 to 1,600 square feet in size. Two different color palettes with a variety of building materials including brick and stone, Hardie Board, stucco, and tile roof options are proposed. The two-story townhomes will be approximately 27 feet in height. Units 95 – 126 will have a rear/front yard driveway depth of 20 feet, with a side yard setback of 15 feet between buildings. The front yard will include a courtyard patio that fronts a green court area. Units 127 – 144 will have a rear yard/front yard driveway depth of 20 feet along Tuscany Drive, with a side yard setback of 15 feet between buildings. The front yard for these units is approximately 20 feet to the face of the building; however, an

8-foot courtyard patio will be allowed in the setback area allowing for 12 feet from the back of the sidewalk to the courtyard.

In the Project Plan, the one-story townhomes were the three buildings that backed onto 400 East. Some of the buildings incorporated two-story walk-ups with rambler units on the ends. The townhomes that fronted onto Tuscany Drive were two-story walk-up townhomes. The ramblers or two-story homes could be on any of the 14 lots shown, as well as the larger pad lots. The narrow pad lots would have the Single-Family Pad Lot/Narrow Homes design. The setbacks would have a front yard of 20 feet and side yards of eight feet, with a rear yard setback of 10 feet.

With the pad-style lots, similar to the area across the street and the south, the request was for 16 feet of separation between buildings. Mr. McNulty explained that this would make the development feel less compact and allow for a driveway and potentially some parking. As a result of that request, those units were shown to be 16 feet apart. In terms of the front setback to the living space, the request was for 15 feet to the living space but 20 feet to the garage with a depth of 20 feet for the driveway. There would be 16 feet between buildings and a 10-foot rear yard. Mr. McNulty clarified that this would apply to the detached product. As for the multi-family product, the one-story townhomes could also have 15 feet of living space but 20 feet to the garage. There would be 12 feet of separation between the buildings, which was slightly greater than the Building Code required, as the Building Code required 10 feet of separation. The two-story townhomes could also have setback variations. A request was made that there be a rear-load garage facing Tuscany Drive because there were parking issues in the area.

4. **Open Space:** Chapter 17.68 requires at least 30% of a project area to be in common open space. The Project Plan includes approximately 33.83% (6.12 acres) of open space being proposed for the overall project. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify these calculations.
5. **Project Amenities:** Chapter 17.68 requires project amenities including recreational facilities such as tennis courts, playground equipment, swimming pool, clubhouse, and other common amenities such as outdoor cooking/eating areas, gazebo, or gardens. The Project Plan, Phase 1B includes restrooms, a pool, a hot tub, and an outdoor seating (covered and uncovered) area for the community. Additional open space areas with gazebos and barbecues have been shown in Phase 4, Phase 6, and Phase 7. Phase 2 includes three (3) pickleball courts. A series of walking paths providing a connection for residents to these amenity areas has also been included in multiple project phases. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify the project amenities as per the Phasing Plan.
6. **Public Trail Access:** An eight-foot asphalt public trail along 400 East has been shown on the Project Plan. This trail is required as per the 2018 Trails Master Plan. This required trail will tie in with the existing section of trail along the 400 East frontage of the Tuscany project, which provides a connection to other trails in the area. This will be reviewed during the PD Subdivision review process.
7. **Landscaping and Water Efficiency:** Chapter 17.68 requires project landscaping and puts standards in place for the PD Zone. Section 17.68.050 discusses landscape design

and water conservation principles. The final landscape and irrigation plans will be required to comply with City Ordinance #2022-05 (Water Efficient Landscaping and Conservation Standards). A secondary water connection will be required for outdoor water use. The applicant has provided a preliminary landscape plan; however, a more thorough review with additional details (landscaping and irrigation) will be required during the PD Subdivision review process.

8. **Public Road Cross-Section:** The Project Plan includes a required 45-foot public road cross-section within the interior of the project. This includes 30 feet of asphalt, 2.5 feet of curb, and gutter on either side, with a five-foot sidewalk on each side of the road allowing for good pedestrian access and movement. Additionally, improvements such as but not limited to curb and gutter, park strip, sidewalk, and trails will be required along Patricia Drive (50-foot public street), Pioneer Parkway (70-foot public street), and 400 East (66-foot public street). The applicant will be required to work with city staff and comply with all department recommendations during the PD Subdivision review process.
9. **Private Driveway Cross-Sections:** The Project plan includes two (2) private driveways at 26 feet. Each private driveway would provide access to two (2) single-family pad lots (Units 38-39, and 59-60). The applicant will be required to work with City Staff and comply with all department recommendations during the PD Subdivision review process.
10. **Parking:** The Project Plan includes a total of 281 parking spaces for the 75 multi-family townhome units. This equates to 3.75 parking spaces per unit. An additional 20 parking spaces have been provided adjacent to the project amenities in the center of the property. Chapter 17.32 requires two (2) parking spaces per unit, one covered and one uncovered. Each of the single-family lots/pad lots have been designed to include a two-car garage with a two-car driveway. It appears that sufficient parking has been provided for the project. The project parking will be reviewed during the PD Subdivision review process.
11. **Project Utilities:** Utilities (e.g., water, sewer, power, gas, etc.) are required for the project. A secondary water connection will be required for outdoor water use. The applicant will be required to work with city staff and comply with all department recommendations during Preliminary Subdivision Plat and Final Subdivision Plat review for each phase.
12. **Soils Report:** A Geotech Report (Subsurface Investigation) was done by Applied Geo-Tech and was submitted for the property. It appears that expansive clay was encountered in multiple site locations (north and south); however, the site is suitable to support residential slab-on-grade construction provided that the report recommendations are implemented during construction. The applicant will be required to work with city staff during the PD Subdivision review for each project phase to determine compliance.
13. **Traffic Study:** A Traffic Impact Study (“TIS”) was done by Hales Engineering and submitted for the property. Two project accesses were assumed, which resulted in an

acceptable level of service (“LOS”) at intersections; however, a third access was also considered on Patricia Drive. The third access would improve the internal circulation of the project. Since the report was submitted, the project has been redesigned to include a row of single-family lots along Patricia Drive without access to the interior of the site. This was done to tie in with the existing single-family neighborhood in the immediate vicinity. Access will be gained off Pioneer Parkway and 400 East.

14. Project Narrative: The applicant has submitted a project narrative for your review and consideration. City Staff asked the applicant to update this item to match the Project Plan. It’s likely that Commission will have questions for the applicant during the meeting.
15. Block Privacy Wall: A six-foot solid block privacy wall will be required along Pioneer Parkway and 400 East. This item will be further reviewed during the PD Subdivision process.

Mr. McNulty reported that notices were sent to all property owners within 300 feet. Additionally, the property was posted with signs. Since then, several phone calls and emails had been received from members of the public. Those comments were shared with the Planning Commission. As for the General Plan, the designation for the property was MDR. He shared a map from the General Plan and pointed out the subject property, which had an MDR Land Use Designation. The proposed Project Plan/Rezone application included small lot single-family homes, townhomes, open space, and amenities for residents. The proposed uses were encouraged by the General Plan.

The rezoning consideration, as per Chapter 17.18.090, had several items for consideration, which were listed as A through H. Mr. McNulty reviewed the following items on the list:

- A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? (Yes.)
- B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property? (No.)
- C. Are there substantial reasons why the property cannot or should not be used as currently zoned? (No.)
- D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection? (No.)
- E. Is the proposed use compatible with the purpose and intent of the General Plan? (Yes.)
- F. Will the use be consistent with the purpose and intent of the proposed zoning district? (Yes.)
- G. Is the proposed use supported by new or changing conditions not anticipated by the General Plan? (No.)

- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property? (Yes.)

Mr. McNulty referenced Utah Code Section 10-9a-205. All of the requirements as far as noticing had been met. The applicant worked with City Staff to provide a Project Plan design that included both single-family homes and multi-family homes. That work had been taking place for several months. 52% of the proposed units were multi-family townhomes with 48% being single-family lots or pad lots. The density being requested was 7.96 units per acre and the base density in the PD Zone allowed for 8 units per acre, with provisions for a density bonus. That density bonus could be pursued for a total of 12 units per acre. The applicant had worked with City Staff and wanted to comply with the base ordinance rather than ask for additional density.

City Staff recommended that the Planning Commission review the submitted Rezoning Application and Project Plan to determine whether the application was complete. If the application was determined to be complete, City Staff recommended that the Planning Commission forward a recommendation to the City Council for their review and consideration of the application, subject to the Conditions of Approval and Findings of Fact outlined in the Staff Report.

Chair Hendrickson opened the public hearing.

*Chase Jensen* gave his address as 3920 London Lane. He expressed his support for the Project Plan and appreciated that the developer was willing to create buffers between the existing neighborhoods. He also thought the design was well thought out. Mr. Jensen noted that it is difficult for a lot of people to purchase homes. This type of development would be ideal for families that are starting out. Many people want to live in Santa Clara and this development would make it possible for people of different ages to live in the city. His one concern had to do with the traffic on Pioneer Parkway. Currently, there is no middle turn lane. That was something that should be considered as the process continues to move forward.

*Dyle Bond* gave his address as 2255 Jacob Drive. He had a petition signed by approximately 80 residents. That petition was presented to the Commission. The request was that the zoning not be changed. Some of the signatures were from Santa Clara residents and some were from Ivins. Mr. Bond explained that previously, Mr. Leavitt stated that he had spoken to some people in Ivins. Based on the people he had spoken to in Ivins, there was no support for a zone change. Mr. Bond pointed out that Tuscany Drive was already full of vehicles from the existing residences. He expressed concerns about parking and the storage of equipment and other types of vehicles.

*Ann Pritt* gave her address as 3918 Madison Avenue. She liked a lot about the plan that had been presented but was concerned about traffic and the road out to Pioneer Parkway. There are already challenges with Patricia Drive and Pioneer Parkway. With 144 units planned for the development, that equates to approximately 288 more vehicles. There is already a lot of traffic in the area, and she was worried about adding more. A traffic light would likely need to be installed between Patricia Drive and Pioneer Parkway as well as between Pioneer Parkway and the old highway. Ms. Pritt explained that she bought her home on Madison Avenue approximately five years ago. Over the last few years, sirens were audible more often. That meant there were a lot more issues in the area than before. With all of the additional vehicles, there was a higher likelihood that there would be traffic-related accidents. Proper planning was needed.



*Ann Evans* gave her address as 3772 Nicholas Drive and distributed a handout to the Commission. She noted that the City was looking at one plot of land but there are already 11 developments in that area. The handout she distributed listed the names of the different developments. There are a lot of units nearby already and the addition of another 144 would increase that further. The only development that is single-family homes is Bella Sol. She stressed the importance of looking at the development in a broader context. Ms. Evans also expressed concern about the water and utilities in the area. She asked that the Commission consider all of the implications.

*Patricia Bauman* gave her address as 2340 Patricia Drive. She appreciated all of the work that had been done on the Project Plan since the initial presentation that was made to the City Council. Ideally, she wanted to see the subject property be zoned R-1-6 and for the townhomes to be removed. That was more in line with what was nearby and would create more of a buffer. That being said if the development was approved as presented, she hoped there would be some assurance that once the zone was changed, the smaller lots would not become townhome lots.

*Doug Carroll* reported that he lives in Village on the Heights. He found the current process to be unnecessary. The applicant can develop single-family homes. Mr. Carroll believed that the proposed development would diminish the quality of life in Santa Clara. As for water, Ivins is already looking at water and there seemed to be a shortage. He asked the Planning Commission to examine the proposed development and determine whether it adds to the community.

*David Pond* gave his address as 2322 Joshua Circle. He echoed some of the comments previously expressed but had concerns about affordability. Mr. Pond was also concerned about parking in the area and that there will be a bottleneck with two primary access points. In addition, if the zoning is allowed to change, he wondered what would prevent Mr. Leavitt from changing the density from what was presented to the Commission. He was not opposed to development but wanted to see the area remain in the R-1-10 Zone. There needed to be some consistency with single-family homes in the neighborhood.

Mr. McNulty clarified some of the comments shared. He noted that there had been comments about preventing single-family lots from becoming multi-family. There will be a public hearing at the Planning Commission level and then the application will move forward to the City Council for a public meeting. The City Council is the legislative body that will grant approval or denial of the rezoning. A Project Plan is required for a PDR Zone. This particular Project Plan was part of an entitlement. If the property is rezoned, the Project Plan will run with it, if approved, and then an ordinance will be adopted by the City. It will state that the development will not exceed 144 units consisting of 69 single-family, 75 townhomes, and a maximum density of 7.96 units per acre. All of that will run with the entitlement and any ordinance adoption.

*Adam Ellis* gave his address as 2288 Julie Drive. He read a letter from someone who was unable to attend tonight's meeting in person. The letter was from Michael Cain, who resides at 2286 Joshua Circle. He noted that Joshua Circle is the only existing neighborhood in Santa Clara north of Pioneer Parkway that is zoned R-1-10. Mr. Cain shared information about his background and explained that the majority of residents living in the higher-density Blackhawk are typically in transition with plans to reside somewhere else in a few months or years. On the other hand, those in single-family homes normally intend to stay for many years. Those residing in single-family neighborhoods consider it to be their home and want to invest in and contribute to the community.

Mr. Cain felt that communities like Santa Clara need to have higher-density and lower-cost housing available but the issue was when the proportion of higher-density housing is out of balance with single-family residences. The zoning map lacked balance in the placement of higher density. He believed that rezoning this particular property will create an even greater imbalance in that part of the City. Mr. Ellis, speaking for himself, noted that if the area off of Patricia and Tuscan Drives becomes a school at some point, the traffic will become worse.

*David Healey* was present to represent his father who owns a home in the community. Some of his main concerns had already been mentioned relating to traffic and infrastructure. He wondered if there was a plan in the future to have traffic lights installed or if the roads will be widened. He also inquired about the price point of the homes.

Mr. McNulty clarified some questions regarding Pioneer Parkway. It is an arterial roadway and includes an 80-foot cross-section. There is currently one lane of travel in each direction but at some point, there could be two travel lanes in each direction with a center turn lane, which does not exist currently. An arterial roadway is designed to handle 10,000 to 20,000 vehicle trips per day if not more. Presently, there were just over 10,000 average daily trips based on studies that had been completed and submitted to the City. There is a lot of room for growth still. Commissioner Blake reported that Pioneer Parkway was not striped for as many lanes as it can accommodate. There is also another five-lane arterial road being planned by the MPO that could be built in the near future. He noted that there are lights planned there as well.

*Art Pansine* gave his address as 3866 Nicholas Drive. He moved to Santa Clara last summer but had been concerned about density in the neighborhood. As a result, he checked the zoning in the area before purchasing his home. If the proposed development is approved, the neighborhood would change dramatically. It will add to parking problems, traffic problems, and crime. The area would never again be described as serene and home values will decrease. Mr. Pansine wanted to know what the purpose of the General Plan is and if it could change so dramatically in such a short period of time. He pointed out that the area is already densely populated and wondered why that particular portion of the City had the most density.

*Brenda Vincent* gave her address as 3580 Windmill Drive. She wondered if the City would stipulate that the owner of the property with an Internal Accessory Dwelling Unit (“IADU”) would be required to use it as their primary residence. That way, there would not be a renter renting out the IADU. She wanted to see long-term investment in the community. City Staff explained that a primary unit needs to be owner-occupied but that is not necessarily relevant to this project. Ms. Vincent pointed out that some of the units will have an IADU, so she felt that her comment was relevant. It was clarified that whether there is an IADU would be up to a future owner and not something that was specifically proposed by the applicant. Mr. McNulty explained that the narrative stated that there would be an option for IADUs as mandated by the State.

Ms. Vincent asked about the secondary source for irrigation. It was clarified that the City has a secondary water system. One of the requirements, if the project was approved, was that improvements would need to be put in to allow for secondary water or irrigation water. Ms. Vincent thought the development was strong overall but still had some concerns.

*Joshua Jackson* gave his address as 3892 Nicholas Drive. He understood that in these types of situations, the zoning says one thing and the residents said another but the Commission needs to follow the zone. In this instance, the zoning is on the side of the residents. Mr. Jackson was grateful for the work done by City Staff and the developer on the project. However, the additional units would add to the issues that already exist in the area. The Planning Commission had the opportunity to support the existing zone and listen to the concerns of the residents.

*Meredith Pond* gave her address as 2322 Joshua Circle. Her concern had to do with the daily lives of the residents. The neighborhood is being turned into an island surrounded by denser housing. This is not good for property values or long-time residents. All of the density makes it less desirable to live in Santa Clara. The overwhelming majority of people at the Planning Commission Meeting were asking for the existing zoning to remain.

*Russell Goode* gave his address as 3988 Madison Avenue. He expressed concerns about the proposed multi-family homes and asked the Commission to consider the residents.

*Alison Snyder* gave her address as 2326 Jacob Drive. Her concerns aligned with many of the others in the community. She felt that the proposed development will diminish the quality of life for existing Santa Clara residents. One of her main concerns pertained to the lack of parking in the development. There was nothing in the plan related to overflow parking or parking for trailers, boats, or RVs. The subdivisions, Tuscany and Blackhawk, were forced to park along Tuscany Drive as it is not possible to park a full truck in the driveway at Blackhawk without overlapping onto the sidewalk. This was due to the density. The proposal was almost double the number of units in Blackhawk. She felt that the number of units needs to be reduced and did not believe high-density should be concentrated in only one portion of the City. It should be spread out. Ms. Snyder also pointed out that high density does not necessarily equal affordability as rents were high.

*Shannon Smith* gave her address as 3842 Tuscany Drive Unit #9. Her plan was to remain in Santa Clara and raise her family in the community. She had not heard any comments related to children. Ms. Smith is a teacher and advocate for children. After living on Jacob Drive and then in Blackhawk, she was concerned about safety. There were trucks, SUVs, boats, and trailers that drive on Tuscany Drive or come in for the baseball tournaments. It was important to think about how the community should be and how to make the area safer for all. If there is a school built in the area in the future, there will be a lot of dangerous conditions based on the current layout.

*Doug Wells* gave his address as 3842 Nicholas Drive. He loves Santa Clara and stated that it is a desirable place to live in. It becomes less desirable the more high-density that is built. There was not much available in a single-family format at the current time. Mr. Wells asked that the Planning Commission deny the rezone and provide opportunities for families to live in single-family homes.

Mr. McNulty referenced Bella Sol, which had already been mentioned, but noted that Solace will have 128 single-family lots, 21 of which were currently under construction with improvements. There will be 128 new single-family homes in the area adjacent to Bella Sol. He asked residents to consider that when discussing the number of single-family homes in the community.

*Paul Boyer* gave his address as 2294 Julie Drive. His home was purchased in 2002 and he thought it would be his last home. That being said, he was now considering leaving Santa Clara. It seemed that

the intention was to have more density and he was not certain that the comments from residents will change the decision of the Planning Commission. He was not supportive of the application.

*Harold Welling* gave his address as 1836 Red Mountain Drive. He stated that each project that comes in seems to build off of the last one. For instance, zoning changes were permitted because zoning changes had been permitted for previous projects. He did not want to see that pattern continue in the future.

*Mr. Goode* shared additional comments with those present. He encouraged the residents in the audience that live in the Village on the Heights to speak out as well.

*Caron Jenson* gave her address as 3823 Madison Avenue. She moved to Santa Clara in 2010 and loved living in the City. She did not object to single-family housing but felt that the high-density housing was ruining the landscape. There were not the same kind of views as before. Ms. Jenson also noted that residents have been asked to watch how much water they used but despite this, more and more development was occurring. Those residences would utilize water.

*Ms. Snyder* shared an additional comment. She noted that Blackhawk, according to someone who lives there, is supposed to be 50% owner-occupied, but it is not. There are approximately 10 units out of 88 that are owner-occupied and everything else was rented. Ms. Snyder explained that there was little enforcement to ensure that the promises made were actually followed. It was noted that it was the responsibility of the Homeowners Association (“HOA”) to enforce the Covenants, Conditions, and Restrictions (“CC&Rs”) in that particular development.

*Christine Jackson* gave her address as 3892 Nicholas Drive. With Blackhawk, she had seen that the people living there move in and out all the time. As a result, not a lot was provided to the community because there was a lack of consistency. When there is a single family home neighborhood, there was a greater feeling of community, which is important for the City. Her other concern had to do with the area behind Nicholas Drive. Everything there is either vacation homes or high-density housing. She noted that with more people there is more crime. In addition, she was concerned about the water and electricity available to the community.

*Ann Hughes* gave her address as 2223 Sheron Drive. All of her friends and neighbors were opposed to the rezone. Everyone she knew liked the way it was currently zoned.

The applicant, Mr. Leavitt, stated that he is a resident of Santa Clara and has been for more than 25 years. He is invested in the community and cares about what is developed. When the property was purchased, the General Plan was looked at very closely. It is an area that the City designated in 2014 for MDR. Mr. Leavitt noted that he has nephews and nieces who want to live in Santa Clara but it is not possible for them to find a place to live. The proposed development could address a need that currently existed within the community.

A lot of time had been spent reviewing various plans and speaking with City Staff and residents. Though a lot of the comments during the public hearing requested that there be single-family homes, over one-third of the project has expansive clays. There needs to be some creativity to address that so the PDR requirements were examined and there would be some open common areas. He noted that the General Plan encouraged building on smaller lots if there were soil issues.

Mr. Leavitt discussed the developments that were around the site. There was planned development to the south and the north. A number of residents to the east also shared comments. He wanted to take all of the comments into account and stressed the importance of transitions in density. There is high density to the north of the property, so the intention was to be compatible with what already exists. One of the reasons there are smaller single-family pad lots proposed was because that particular area was next to the attached townhomes. That would create a transition. Mr. Leavitt believed that the plan presented was excellent as it considered the surrounding areas.

The intention was to follow the General Plan, which Mr. Leavitt believed the proposal did. He informed residents that the project would be high quality. The plans showed that everything was above and beyond in terms of the level of detail on the townhomes. There were balconies, front yard courtyards, and a focus on water conservation. The water fees increased on January 1, 2023, and he did not want to burden the residents with those additional expenses. As a result, a water-focused plan had been presented. There needed to be a water-efficient product.

Mr. Leavitt believed that the product would increase values in the surrounding areas. It would be a high-quality development. He noted that there had been comments related to IADUs. They were encouraged in the General Plan and it was important for people to have the opportunity to rent a portion of their home or take care of an older family member. As for the price point, he was not certain that those could be shared at the current time because the market continues to change. He felt confident that the design and the detail would be superior to a lot of what existed currently.

Mr. Leavitt pointed out that there had been comments about a sense of community. The intention was to build homes for families. It would be a beautiful community for all who live there. He reported that the CC&Rs will control the on-street parking. Typically, on-street parking would be permitted for 48 hours in the neighborhood. There is a lot of parking available and the lots were widened so it was possible to place an extra driveway on the single-family lots.

Commissioner Anderson wanted to know what the HOA dues would be. Mr. Leavitt reported that it was too early to state for certain but there was a desire for them to be under \$100. Commissioner Anderson asked how the owner-occupied ratio would be enforced. Mr. Leavitt was not certain. It was noted that the City does not currently have any ordinances that require units to be owner-occupied. As a result, it is not possible to impose that. State Law allowed CC&Rs to restrict units to a certain percentage of owner-occupied, but that was done through the HOA. City Attorney, Matt Ence, reported that the HOA or property owner have the right to enforce CC&Rs in their own subdivision. It was not something that the city is able to enforce.

Commissioner Blake understood that Mr. Leavitt spoke to residents previously. He wondered if that was the main reason there was no access to Patricia Drive. This was confirmed. Commissioner Blake noted that the circulation would be better if there was access there. He wanted to know if there were plans for pedestrian access. Mr. Leavitt reported that off of Tuscany, there are a few areas where it was possible to enter and exit the project. There had been a lot of discussions with residents and those residents made it clear that access off of Patricia Drive was not supported. He pointed out that the townhomes along Tuscany Drive are now reversed and had the driveways there. That meant it was not possible for people to park on the street.

Commissioner Blake referenced a comment during the public hearing related to safety for children. He noted that the internal streets are fairly standard. Those streets also provide places for children

without having to walk down a much larger street like Pioneer Parkway. If there ever was a school built to the east, it would be good to have a way for children to stay interior without needing to leave the development. In the previous plan, there were a few access points coming off of Patricia Drive. That could be done next to Lot 14. Mr. McNulty pointed out the pedestrian access next to 127, between 132, 133, 138, and 139. It would be possible to add another pedestrian access point somewhere on the site off of Patricia Drive if that was desired.

Renderings and elevations were shared with the Planning Commission for additional reference. Mr. McNulty reported that the zone allowed for heights that were up to 35 feet for two-story homes. The elevations presented ranged from 19.9 feet to approximately 28 feet. Even the narrower homes included in the Project Plan were proposed to be 28 feet.

Commissioner Call noted that after the Planning Commission made a recommendation, the application would move forward to the City Council for approval. It was the City Council that would make the legislative decision. Mr. Ence explained that the Planning Commission is a recommending body that is utilized by the City to receive feedback. The recording and meeting minutes would be available to the City Council. The City Council, as the elected legislative body of the City, by law has a significant amount of deference to make a decision on the matter.

Mr. Ence referenced comments made about the zoning versus the General Plan. He clarified that the application was to change the zone but underlying the zoning, there is the General Plan that was adopted by the City. When the General Plan was adopted, there was an extensive process where feedback was received from residents. Multiple meetings were held as well as surveys and discussions. Ultimately, the General Plan was adopted, which included the map that had been shown. He reported that the area in question had been designated MDR. The current R-1-10 Zone complied with MDR, but the proposed zone amendment would also comply with the General Plan.

There were no further comments. Chair Hendrickson closed the public hearing.

## 5. General Business.

### A. Recommendation to City Council.

- i. Recommendation to the City Council to Consider a Proposed Rezoning of Property at Approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, Described as 1.48 acres). Split Rock Construction is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone, and the Planned Development Commercial, PDC Zone to the R-1-6 Single-Family Residential Zone. The Proposed Rezoning is Part of the Process to Allow for a Proposed Single-Family Residential Subdivision.

Commissioner Harris moved to recommend that the City Council APPROVE the proposed rezoning of property at approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, described as 1.48 acres), subject to the following:

#### Conditions:

1. That the proposed property Rezoning complies with Chapter 17.18.090 items below:
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
  - c. There are substantial reasons why the property cannot or should not be used as currently zoned;
  - d. The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;
  - e. The proposed use is compatible with the purpose and intent of the General Plan;
  - f. The proposed use is consistent with the purpose and intent of the proposed zoning district;
  - g. The proposed use is not supported by new or changing conditions anticipated by the General Plan; and
  - h. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property.
2. That the applicant be required to go through the Subdivision Review process (Preliminary and Final Plat).

**Findings:**

1. That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).
2. That the R-1-6 Single-Family Zone allows for homes on lots of 6,000 square feet or larger.
3. The properties to the north are zoned PDC, properties to the south and west are zoned R-1-10, with the R-1-6 Zone being an appropriate transition in between these land uses.

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

ii. **Recommendation to the City Council to Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, Described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that Would Include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Chair Hendrickson asked that the Commission discuss the application. Commissioner Call liked the project and the plan presented. It was important to have these types of projects and transition areas. There was some discussion about affordability during the public hearing. He acknowledged that there seemed to be a struggle between density and affordability. Commissioner Call had some concerns about water and the impact of the additional residences. At the current time, he was not prepared to support the rezone, because he felt that when a piece of property was purchased, it was purchased knowing what the existing zone was.

Commissioner Blake believed that a lot of issues had been mitigated. For instance, transitioning into single-family homes and to the townhomes to the north. He shared information about the General Plan. Something that was beneficial about more density in the area was that it supported the commercial offerings. Commissioner Blake thought the plan was well thought out but wished there was more circulation. He understood why there was no access on Patricia Drive as it seemed to be an attempt to meet halfway with the neighbors. This was a good project and it was something that was needed in Santa Clara. He supported the rezone.

Commissioner Harris appreciated all the comments shared by residents and the applicant. She agreed with Commissioner Blake and felt that the project demonstrated transition. Commissioner Harris noted that the application was complete and had all of the necessary studies.

Chair Hendrickson had a similar opinion to Commissioner Blake. It was a difficult decision to make and he appreciated all of the comments shared by residents. He spent a lot of time walking around the area and understood the parking issues that existed. Certain concessions had been made in the Project Plan to accommodate the residents, so he was in favor of the application.

Commissioner Whitehead noted that a lot of time had gone into the presentation and he appreciated the hard work. Mr. Leavitt had also taken into account the feelings of those in surrounding areas. Affordable housing was something that was needed in Utah and in Santa Clara and the development could possibly be an answer to that need. However, he struggled to know that there was so much opposition from the neighbors. It was difficult to support the rezone for that reason, even though he liked the idea of the plan and what it would bring to the community.

Commissioner Anderson agreed with many of the comments shared by his fellow Commissioners. He personally liked the project and what it had become after feedback was considered. That being



said, it was important for him to factor in the comments from the public. He noted that the project might be something that residents would like in the future, but change is often difficult.

**Commissioner Blake moved to recommend that the City Council APPROVE the proposed rezoning of property at approximately 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2 and #SC-SB-90-A-4-B, described as 18.09 acres), subject to the following:**

**Conditions:**

- 1. That the applicant shall be required to go through the PD Subdivision Review process for each project phase (overall Preliminary and Final Plats).**
- 2. That a total of one hundred forty-four (144) units on 18.09 acres be allowed as per the Project Plan. This equates to a density of 7.96 units/acre.**
- 3. That a Project Phasing Plan be required for the overall project. That this plan be reviewed for compliance with each project phase.**
- 4. That the building design/materials/height/setbacks comply with the Project Plan as presented by the applicant. That substantial changes to these items require an amendment to the Project Plan.**
- 5. That at least 30% of the project area be in common open space. The Project Plan includes approximately 33.83% (6.12 acres) of open space.**
- 6. That the project amenities be provided and put in place as per the Project Plan and Phasing Plan.**
- 7. That the public trail be put in place as per the Project Plan.**
- 8. That the applicant be required to comply with City Ordinance #2022-05, Water Efficient Landscaping and Conservation Standards. Also, secondary water connections shall be required for outdoor water use.**
- 9. That a 45-foot public road cross-section as per the Project Plan be required for the interior of the project. That a 26-foot private driveway be allowed to access Units 38 – 39, and 59 – 60 only. That future improvements to Patricia Drive, Pioneer Parkway, and 400 East be determined during the PD Subdivision review process.**
- 10. That 281 parking spaces for the 75 multi-family units be provided along with 20 parking spaces adjacent to the amenity areas as per the Project Plan.**
- 11. That the Geotech Report for the project be implemented during construction.**
- 12. That the Traffic Impact Study (“TIS”) for the project be implemented with the exception of a third access to Patricia Drive.**

13. That a six-foot solid block privacy wall be required along Pioneer Parkway and 400 East.
14. That the proposed property Rezoning complies with Chapter 17.18.090 items, (except item c below):
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
  - c. There are no substantial reasons why the property cannot or should not be used as currently zoned;
    - i. The applicant intends to do a PD Subdivision with both single-family and multi-family townhomes as per the MDR land use designation of the General Plan.
  - d. The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;
  - e. The proposed use is compatible with the purpose and intent of the General Plan;
  - f. The proposed use is consistent with the purpose and intent of the proposed zoning district.
  - g. The proposed use is not supported by new or changing conditions anticipated by the General Plan;
  - h. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of the property.

**Findings:**

1. That the Rezoning is complaint with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).
2. That the MDR Land Use Designation allows for townhomes, multi-unit buildings, and small single-family structures on small lots.
3. Other properties in the immediate vicinity (north and south) of the site are zoned Planned Development Residential, PDR.

**Commissioner Harris seconded the motion. Vote on motion: Commissioner Anderson-Nay; Commissioner Call-Nay; Commissioner Whitehead-Nay; Commissioner Harris-Aye; Commissioner Blake-Aye; Chair Hendrickson-Aye. The motion failed 3-to-3.**

Mr. Ence reported that since the motion failed, the Planning Commission could continue the discussion and revote. There was discussion regarding what would happen next. For instance, whether the item would move forward to the City Council despite the Planning Commission vote. Mr. Ence confirmed this. If the vote remained, it would move forward to the City Council with no recommendation. The Council would likely prefer to have a recommendation, but if it was not possible to make a recommendation one way or the other, the City Council would consider that.

Commissioner Whitehead wondered what would happen if the item was tabled. He wanted to know if that would impact the result of the vote. It was noted that if the item was tabled, there would need to be a list of specific items to address. For instance, additional information needed to be considered. Mr. Ence explained that if a motion was made to table the application and the reasons were well articulated, that was appropriate. That being said, he did not recommend tabling the item simply because the Commission was not able to reach a decision for approval or denial. For the betterment of the applicant, it would be best to move the item forward.

Commissioner Call noted that Commissioner Weston was not present at the meeting. That vote could break the tie. Mr. Ence did not feel that was an appropriate reason to delay the revote on the item. He suggested moving the item forward as there was currently a quorum of the Planning Commission. The quorum was capable of making a decision. If the Planning Commission did not make another motion, the current motion would move forward. It was determined that a revote would not take place and the item would not be tabled.

**6. Discussion Items.**

A. None.

**7. Approval of Minutes.**

A. Request Approval of the Regular Meeting Minutes – March 9, 2023.

**Commissioner Blake moved to APPROVE the Meeting Minutes from the March 9, 2023, Santa Clara Planning Commission Meeting. Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.**

**8. Adjournment**

The Planning Commission Meeting adjourned at 7:56 p.m.

*Jim McNulty*

\_\_\_\_\_  
Jim McNulty  
Planning Manager

Approved: \_\_\_\_\_ April 13, 2023