



**AGENDA-BLUFFDALE CITY PLANNING COMMISSION, BOARD OF ADJUSTMENT,
BLUFFDALE CITY TREE BOARD, BLUFFDALE ARTS ADVISORY BOARD
COMBINED MEETING**

September 16, 2014

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, September 16, 2014**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

PLANNING COMMISSION BUSINESS MEETING - 7:00 P.M.

1. Invocation and Pledge.*
2. Public comment (for non-public hearing items).
3. Joint Meeting to hold annual open and public meeting training.
4. Adjourn joint meeting and continue Planning Commission business meeting.
5. Approval of minutes from September 2, 2014 meeting of the Planning Commission.
6. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on an amended Site Plan Application for the Church of Jesus Christ of Latter-day Saints Meetinghouse located at approximately 15370 Heritagecrest Way and 960 West within the Independence at the Point Master Planned Community, BHD Architects, applicant.
7. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a proposed subdivision plat amendment in order to create a new residential lot at approximately 14659 South 1690 West, Tamara Mangrum, applicant.
8. **PUBLIC HEARING, CONSIDERATION, AND VOTE** for a Preliminary and Final Plat application for Deer Orchard Cove, a proposed residential subdivision consisting of five lots (minimum 1 acre) located at approximately 14000 South Deer Orchard Cove in the R-1-43 Zone. Star Gardiner Farm, LLC, applicant.
9. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on amending portions of 11-16-19 and 12-5-3 of the Bluffdale City Code, along with related definitions and provisions to modify requirements for developing on private rights of way. Bluffdale City, applicant.
10. City Council Report.
11. Planning Commission business (planning session for upcoming items, follow up, etc.).
12. Adjournment.

Dated: September 11, 2014

A handwritten signature in blue ink that reads "Grant Crowell".

Grant Crowell, AICP
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.

*Contact Gai Herbert if you desire to give the Invocation.

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Present:

Planning Commission Members:

**Brad Peterson, Chair
Von Brockbank
Johnny Loumis, Jr.
Kory Luker
Brandon Nielsen
Connie Pavlakis**

Board of Adjustment Members:

Nick Berry

Arts Advisory Board Members:

Amanda Luker

Tree Board:

None present

Others:

**Jennifer Robison, Associate Planner
Alan Peters, Associate Planner
Gai Herbert, Community Development Secretary**

Excused:

**Grant Crowell, City Planner/Economic Development Director
Colleen Dansie, Board of Adjustment**

BUSINESS MEETING

Chair Brad Peterson called the meeting to order at 7:00 p.m.

1. Invocation and Pledge.

Connie Pavlakis offered the Invocation.

Brad Peterson led the Pledge of Allegiance.

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2. Public Comment.

There were no public comments.

3. Joint Meeting to Hold Annual Open and Public Meeting Training.

Associate Planner, Jennifer Robison, provided the required annual training relating to the Utah Open and Public Meetings Act. Mrs. Robison first reviewed the definition of a public meeting, which is a meeting of a quorum of members to discuss or act upon a matter over which the public body has control. Unintentional, random, social, or chance meetings do not violate the Act; however, social meetings for a public body need to be kept to a minimum. Additionally, electronic communication needs to be kept to a minimum.

An agenda for the meeting must be provided to the public at least 24 hours in advance of the meeting. Said agenda must be posted in a public place—where the meeting will take place; it must be posted on the Utah Public Meeting Notice web site; and it must be delivered to a local newspaper or other media outlet. Each notice must provide a meeting agenda, which includes the date, time, and place of the meeting, and the action items to be discussed during the meeting. Electronic meetings, along with electronic participation in meetings are permissible; however, electronic meetings must be authorized by a resolution of the public body. Open meetings require minutes.

An audio recording of each meeting is made and is available to the public. Written minutes are also provided for all open meetings. The public body has the opportunity to review and approve the minutes before they become an official part of the public record. Audio recordings are not made for site visits or field trips, or at meetings in which no vote is taken. Minutes must include the date, time, place, attendance, substance of what is discussed, and the voting record of each member of the public body. With the exception of the Board of Adjustment, which can approve minutes by email, the members of the other public bodies approve meeting minutes at a public meeting.

In order to hold a closed meeting, a quorum of the members of the public body must be present, and a two-thirds vote of the public body is required to convene a closed meeting. The agenda must indicate that a closed meeting may take place. Closed meetings are allowed only for certain purposes, such as discussion of a person's character, professional competence, or health; collective bargaining strategies; pending or imminent litigation; strategies regarding acquisition or disposal of real property; certain security issues; and investigations of criminal misconduct. Closed meetings must have an audio recording, but they are not required to have written minutes. In the event of an Open and Public Meetings Act violation, a decision may be voided. Intentional violations of the Open and Public Meetings Act constitute a Class B Misdemeanor.

Adjourn Joint Meeting and Continue Planning Commission Business Meeting.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on an Amended Site Plan Application for the Church of Jesus Christ of Latter-day Saints Meetinghouse Located

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**at Approximately 15370 South Heritage Crest Way and 960 West within the
Independence at the Point Master Planned Community, BHD Architects, Applicant.**

Ms. Robison presented the staff report and stated that the Planning Commission originally approved the meetinghouse site plan on October 15, 2013. Since that time there has been a slight change that needs to be considered for approval. Mrs. Robison first reviewed the original site plan and the orientation of the building on the site. Subsequent to this site plan approval, The Church of Jesus Christ of Latter-day Saints has changed its policy to require more parking around its buildings. The site plan needs to be amended to accommodate the additional parking stalls. Mrs. Robison next reviewed the proposed amended site plan, which has been reviewed and approved by the IDRC. The site is the same size, but the building is slightly larger with 10 square feet having been added to the building. The storage building remains the same. The asphalt and concrete changed slightly, but the amended site plan still meets the requirement of the total landscaping, which is 29.89% of the total site.

The interior lot landscaping is still in compliance. The original plan called for 200 parking stalls, while the new requirements resulted in the allocation of 261 parking stalls. Mrs. Robison briefly reviewed the landscaping changes. She next reviewed various renderings of the building and elevation. The local Church leadership will select the brick to be used, but the IDRC will review and approve the brick that is selected.

The Engineering and Public Works Department provided requirements relative to storm water that staff requested be included in the conditions.

In response to Chair Peterson's question regarding whether or not there will be any changes to the lighting, Mrs. Robison indicated that it will change slightly but is not substantial to the site plan. Mrs. Robison assured the Planning Commission that the lighting conforms to the City requirements.

Chair Peterson opened the public hearing. There were no comments. Chair Peterson closed the public hearing.

Connie Pavlakis moved to approve the amended site plan for The Church of Jesus Christ of Latter-day Saints Meetinghouse in Independence at the Point Project application 2014-36 subject to the following:

Conditions:

- 1. That the applicable requirements of the City Code, adopted ordinances, adopted building and fire codes and DA requirements are met and adhered to for this site plan.**
- 2. That all site plan features, building architecture and elevations, and landscaping shall adhere to the approved site plan as presented and consistent with the IDRC approval.**

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3. That all landscaping, irrigation, open space, and street trees are installed and maintained by the property owners.
4. That the owners understand it is their responsibility to provide adequate secondary water shares to the City and purchase a meter if they choose to connect to the City secondary water system.
5. That the property owners install and maintain the street trees consistent the approved Street Tree Plan in the Independence project.
6. That the City receives the IDRC approval for the masonry color of the building prior to issuance of the building permit.
7. That the City receives the IDRC approval for the type and color of fencing.
8. That the property owners follow through with the conditions specified by the Public Works and Engineering Department in their memo of 2 September 2014.

Brandon Nielsen seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Brandon Nielsen-Aye; Von Brockbank-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed unanimously.

5. PUBLIC HERAING, CONSIDERATION, AND VOTE on a Proposed Subdivision Plat Amendment in Order to Create a New Residential Lot at Approximately 14659 South 1690 West, Tamara Mangum, Applicant.

Associate Planner, Alan Peters, presented the staff report. He gave a brief history of the property and described its location. The main parcel under consideration is an 18,985 square foot lot at 14659 South 1690 West in the R-1-10 zone. The entire subdivision includes two other lots in the River Willow Estates No. 2 subdivision, one of which is owned by Roger Cahoon. The other is owned by Gaylen Briggs. The two lots are zoned R-1-43 and are over one acre each in size. The southern portion of the subject parcel has one home on it already, and the northern portion has been vacant since the home was built. The applicant intends to subdivide the lot so that another home can be built on it. The applicant received approval to subdivide the lot in April 1999, but the plat was never recorded. Last year when the applicant wanted to build a home on the property, she was informed that the subdivision had not been recorded. She was told that she would have to reapply for subdivision of the lot because the original application had expired. Mr. Peters next reviewed what the topography of the plat.

One of the roadblocks the applicant has encountered is the fact that City ordinances have changed since 1999. The City now requires 100 feet of frontage and the applicant doesn't have enough on the existing lot. Last December the applicant requested a variance from the Board of Adjustment for the lot widths, which was granted. The other challenge was that the lot is just under 19,000

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square feet and R-1-10 zones require 10,000-square-foot lots. Consequently, in 1999 the applicant arranged to purchase some of the neighboring property in order to get the lots to the 10,000-square-foot requirement.

Mr. Peters reviewed the plat earlier in the day, which matches exactly what was approved in 1999 and the variance granted by the Board of Adjustment. The other property owners constructed their fencing to match the proposed lot lines, so the clear intention was for the subdivision to proceed. If the subdivision is approved, the landowners will have to sign off on the subdivision and verify that the applicant has purchased the designated property from them.

Mr. Peters noted that a new requirement that has been implemented since 1999 is to put in street improvements, meaning curb, gutter, and sidewalk. The surrounding area is completely built up with the exception of the one lot. The City Engineer was able to recommend an alternate cross section that meets the country road standard, which would require a 2.5-foot concrete ribbon along the edge of the existing asphalt. That requirement would not over-burden the applicant.

Chair Peterson commented that the cement ribbon would look out of place if no one else has it. Mr. Peters acknowledged Chair Peterson's observation and stated that the City has to require some sort of street improvement, per the City ordinance. The City Council would have the authority to authorize an alternative requirement. Chair Peterson countered by stating that he has not seen such cement ribbons in other parts of Bluffdale. Mr. Peters stated that there are some, and it appears that a very narrow sidewalk runs along the asphalt. The cement ribbon will protect the asphalt from deteriorating as cars pass over it and has some benefit. In response to Commissioner Luker's request for clarification on the location of the cement ribbon, Mr. Peters stated that it will run along the frontage of the subject property.

Chair Peterson next asked about the home to the west of the subject property. He noted that it does not have a cement ribbon along its frontage, even though the home is fairly new. Mr. Peters stated that the improvements need to be in place when a new subdivision comes in. Normally subdivisions consist of five lots or more and include new roads. The subject property is a subdivision. The other times street improvements can be required is when a building permit application is submitted. In summary, staff, by City Ordinance, must require something. The City Council can approve alternate requirements from what staff has specified. The Planning Commission can make a recommendation to the City Council to consider alternate requirements, as well. Commissioner Nielsen noted that he has driven on the road where the subject property is located and it is very narrow and has no sidewalks.

Chair Peterson next asked about the slope of the area. Mr. Peters stated that the back side is very steep. Whoever builds on the lot will have to come up with a unique plan to address the slope. Chair Peterson asked if the slope impacts drainage requirements. Mr. Peters stated that if the road were wider and had a lot of run-off, drainage could be an issue.

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Commissioner Brockbank was disturbed that the Board of Adjustment granted a hearing and a variance for a lot that wasn't legally recorded. Mr. Peters stated that it was not recognized as a legal subdivision when it went to the Board of Adjustment. It was taken to the BOA because the land has previous history associated with it and in order for the applicant to get subdivision approval, she needs the variance. The subdivision cannot be approved without the variance to the frontage requirement already in place. Mr. Peters noted that the granting of the variance does not mean that the Planning Commission and City Council have to approve the subdivision. The variance simply grants permission to have lots with the proposed widths that are under 100 feet. Now the City can consider approval of the subdivision on the basis of the approved widths.

Commissioner Brockbank also stated that he thinks that having curb and gutter makes more sense than the cement ribbon that has been specified. Mr. Peters acknowledged that there are a lot of opinions regarding what should happen with the improvements. The options had been discussed extensively. It might take many years for further improvements to the street to occur, and the curb, gutter, and sidewalk might be severely deteriorated by then. Chair Peterson stated that there are many people living there who have been there many years and will continue to live there for many years. They have been grandfathered in under the old requirements, so imposing extensive new requirements doesn't seem prudent.

Commissioner Brockbank stated that the purpose of the ordinance is to provide for future use. As a result, he thinks the concrete ribbon is inadequate to handle runoff. Mr. Peters acknowledged Commissioner Brockbank's concern and noted that the concrete ribbon is the City Engineer's recommendation in this particular situation. However, the Planning Commission could make an alternative recommendation. Mr. Peters added that this is a different type of road that will not be improved in the future. Discussion ensued on other parcels that still need to be developed in the surrounding area. That said, Mr. Peters added that there is no real potential to subdivide in that area. The subject property is the only parcel that is subdividable.

Chair Peterson indicated that the road is a country road by definition and is a dead-end road into a private lane. Commissioner Pavlakis asked if the road is addressed in the new Master Plan. Mr. Peters stated that the road is not addressed because the Master Plan addresses just arterial and collector roads and freeways.

Commissioner Luker stated that Commissioner Brockbank's concern has merit because if the City decides to pave the entire road, it would be beneficial to have curb, gutter, and sidewalk already installed on the subject property. Chair Peterson stated that there will probably never be a reason for Bluffdale City to go in and redo that road. Mr. Peters identified the property line and indicated that it has a 50-foot right-of-way. There is gravel up to the property line. He added that typically, if Bluffdale City retrofits a road and adds curb, gutter, and sidewalk, in situations such as that, the right-of-way would be adaptable to accommodate the retrofit.

Chair Peterson next inquired about the odd fence line that exists in the back of the property. Mr. Peters stated that it is historical because a variance was not needed in 1999 for that lot width.

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The fence line was designed to ensure the needed lot size. If the property were to meet today's standards, the fence line would likely be different.

Chair Peterson opened the public hearing.

Ty Mangrum gave his address as 14659 South 1690 West and indicated that the house on the south portion of the property is owned by his parents. He gave a historical perspective by explaining that the house on the corner of 14600 South belonged to his grandparents and his parents retained ownership of the property. The lot next to it belonged to his aunt. She didn't have enough property to subdivide, so the Mangrums sold her some property. The approvals were secured in 1999, but his father, who is now deceased, did not have the plat recorded.

Mr. Mangrum clarified that the fence does not have a jog, as indicated on the map. The fence goes straight through even though the property line has a jog in it. His parents purchased the property and neglected the critical detail of recording the plat. The Mangrums now wish to subdivide the lot before further ordinances and complications make it even more difficult to do so. The property is already stubbed for sewer and water. The Mangrums' only request is to waive the condition of approval because State Municipal Code 10-98-103 indicates that improvements can be a condition of subdivision or a condition of improvement. His understanding is that the City originally approved it as a condition of subdivision. The family does not object to that but it is within the power of the City to waive that condition, which is what the family requests with this application.

In response to Chair Peterson's question as to why the Mangrums would be opposed to the condition of approval. Mr. Mangrum explained that his objection is that the condition is out of place and it would be the only curb, gutter, and sidewalk in the area. The reason for the ribbon is that if and when the road is redone and the asphalt is torn up, the concrete ribbon would provide an edge for the street improvements. If the standard proposed to the Mangrums was implemented, they would have to go 11 feet off the center line and the owners would be required to cut along the frontage of the property line and remove the existing asphalt. The edge would alleviate that problem. This is a country road and the Mangrums request that the City waive the condition and record the plat.

With regard to the slope at the back of the property, the two parcels north of the subject property have a steeper slope. It was noted that there was no problem with the slope when the existing home was built in 1999.

Tamara Mangrum gave her address as 14659 South 1690 West and identified herself as the applicant. She reported that she has put asphalt in front of the existing home. She provided the Commission Member photos of the property. The asphalt goes back 22 feet and is used as a parking area. The undeveloped lot is used for neighbors to park on. In addition, she uses it as a driveway to go to the lower part of the existing house to provide access to the walk-in basement. She noted that she has gone to considerable expense to redo everything that was done 15 years ago.

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In response to Chair Peterson's question regarding the availability of secondary water on the property, Ms. Mangrum stated that there are canal shares that were surrendered to the City. Chair Peterson explained that since the property is being subdivided, all of the properties are watered with secondary water. If someone buys the lot they will need water. Ms. Mangrum explained that there is a connection to the canal water on a lot she plans to connect to. The people who bought the house to the north would also like to use that water. Chair Peterson clarified that the property owners have to own rights to the water, which are called water shares. Therefore, the owners would have to be able to buy water shares. Ms. Mangrum indicated that it was her understanding that one share covered all of the lots. Chair Peterson informed Mr. Peters that in addressing this application, the City would have to address the issue of transferring water shares to the lot owners.

In response to Chair Peterson's question regard future plans for the lot, Ms. Mangrum stated that she plans to keep it in her family.

In response to Commissioner Brockbank's question regarding who maintains the street in front of the subject property, Ms. Mangrum stated that the City maintains it.

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

Mr. Peters explained that the dedication of water shares to the property is one of the proposed conditions. The City has water shares that have been provided by the Mangrums for their properties. Before the plat is recorded, the City would have to verify that there are enough water shares for the properties. Staff would also have to ensure that the water shares are in the City's name so that they are tied to the lots in the event they are sold.

Chair Peterson brought up the issue of the cement ribbon and referenced Mr. Peters' comment regarding future public works access. Mr. Peters stated that first and foremost it is required because the subdivision ordinance requires the road be brought up to City standard. The cement ribbon is the minim requirement the City can impose on the property. From a Public Works perspective, the primary benefit is that the ribbon reinforces the edge of the asphalt to minimize deterioration at the edge of the asphalt when cars pass over it. The other benefit is the aesthetic of the ribbon.

Commissioner Luker asked if the ribbon will be required on the second half of the lot that has the new extended asphalt. Mr. Peters stated that the standard specifies concrete for the ribbon and requires 2.5 feet width of concrete that is six inches deep with a six-inch sub-base. That standard needs to be applied along the asphalt. The applicant would, therefore, have to saw cut a 2.5-foot trough to accommodate the cement ribbon. The main criterion is that there needs to be a straight, clean line where the cement ribbon runs.

With regard to the cement ribbon, Commissioner Brockbank asked if the applicant would have to put the improvements in before the lot changes or construction takes place. Mr. Peters stated that the cement ribbon has to be in before the plat is recorded. The City could specify that the ribbon would have to be in place before a building permit is issued. The applicant, however, would have to

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put up a bond to do so. As a result, Mr. Peters recommended that the ribbon be required at the outset.

Commissioner Pavlakis stated that if the condition is waived, would it open up the possibility of other property owners making the same request. She asked if that could potentially create a problem for the City. Mr. Peters stated that there is nothing in the City Ordinance that specifies whether the City can do it. It would be the discretion of the City Council to determine the merits of the request. The Council has been consistent in requiring this type of thing. This is a very unique situation and if the recommendation is made, it would have to be backed up with findings.

Commissioner Loumis added that the one thing the City has with regard to this application is that the City approved the subdivision once before and the applicant went before the Board of Adjustment. Mr. Peters stated that the 15-year-old approval wasn't honored because things have changed, so decisions have to be made based on current City Ordinances.

Commissioner Brockbank indicated that by approving the division of one lot into two, the City has increased the value of the property. Therefore, he would hate to require improvements, but thinks it is the purpose of the City Ordinance to improve land that is subdivided to benefit the City. He concurred with the recommendation to require some sort of improvement.

Commissioner Luker felt bad that this subdivision was once approved by the City and now the applicant is required to do something additional. The rules, however, have changed since the last approval was granted. If he were in the same position as the Mangrums, he would have difficulty accepting the added requirement. He was not certain how important the ribbon is if there is no structure there. It will look the same as it does now, but there will be a new plat line.

Commissioner Nielsen suggested that the City back up the City Engineer's recommendation to be consistent.

Commissioner Pavlakis supported the condition but felt bad for the applicant. It was, however, the applicant who did not follow through in 1999 and record the subdivision. It is not the best scenario for the applicant, but she believes the Planning Commission has a responsibility to follow through with the current Ordinances that are in place. She likes the country road but not the concrete but understands it is personal preference.

Commissioner Loumis stated that he is on board with the application and conditions.

Brandon Nielsen moved to forward a positive recommendation to the City Council on the River Willow Estates No. 4 Subdivision, Application 2013-77, subject to the following:

Conditions:

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1. That all requirements of the City Code and adopted ordinances are met and adhered to for this subdivision.
2. That all necessary street improvements according to the memo dated April 8, 2014 from Matt Chadwick are installed and approved by the City Engineer before the plat is recorded.
3. That any required water shares for the property are dedicated to the City of Bluffdale before the plat is recorded.

Findings:

1. That this application conforms to the City of Bluffdale subdivision ordinance and Utah State Code requirements regarding plat approval.
2. That the applicant was granted a variance by the Board of Adjustment in December 2013, that allows for the proposed narrower lot widths.

Johnny Loumis, Jr., seconded the motion. Vote on the motion: Brandon Nielsen-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; Kory Luker-Aye; Von Brockbank-Aye; Brad Peterson-Aye. The motion passed unanimously.

6. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Preliminary and Final Plat Application for Deer Orchard Cove, a Proposed Residential Subdivision Consisting of Five Lots (Minimum One Acre) Located at Approximately 14000 South Deer Orchard Cove in the R-1-43 Zone – Star Gardiner Farms, LLC, Applicant.

Mr. Peters presented the staff report and reviewed the location of the subject property, which consists of two lots. The smaller lot has an existing home on it that fronts 4000 West. Both lots total 5.67 acres. With the lone exception of a parcel to the southwest of the subject property, the remainder of the property has been developed into one-acre residential lots. The infrastructure is already in place, including the roads, so the proposal is compatible with the scope of the rest of the area.

The subject property is zoned R-1-43, which requires a minimum of one-acre lots. The General Plan likewise matches the proposed use of the subject property. Mr. Peters stated that the proposal is essentially a mirror image of what exists on the other side of the street. The four lots to be developed are just over one acre in size. The lot with the existing home is 1.67 acres. Mr. Peters next reviewed the layout of the lots. It was anticipated that the existing home will be demolished to build a new home. When a new home is built, it will have to face the cul-de-sac because 4000 West is a collector road. Where possible, the City prefers that homes not have driveways that connect to collector roads. The DRC reviewed the subdivision and expressed support with conditions. One issue that will have to be resolved is providing adequate drainage and discharge of runoff.

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In connection with the water runoff, Commission Pavlakis asked if there were any other grading issues when the subdivision was originally created. Mr. Peters stated that he does not have the grading or drainage plan, but the property slopes toward the northeast. There will be a retention area in that corner of the property. There are swells that will need to be graded along the lot lines.

Chair Peterson asked if there would be enough frontage along the cul-de-sac for the house that will be built on the corner lot where the existing lot is located. Mr. Peters explained that although the lot has 58 feet of frontage, City Code specifies that lots in R-1-43 zones must have lot frontages with a minimum width of 125 feet, except for lots that are on cul-de-sacs or curves. In those instances, the minimum is 30 feet meaning that the subject lot is in compliance with City Code. The width requirement is accommodated by requiring the home be set back far enough that the line running along the front of the house is a minimum of 125 feet from one side of the lot to the other.

In response to Commissioner Loumis' question regarding the availability of secondary water, Mr. Peters explained that the developer would have to dedicate secondary water for this subdivision before it is recorded.

Chair Peterson opened the public hearing.

Buckley Barlow gave his address as 14026 South Deer Haven Cove and identified himself as the President of the HOA. Mr. Barlow asked some questions in response to concerns expressed by members of the HOA. First, Mr. Barlow asked if this subdivision would be part of the existing HOA or if it would have a separate HOA. He also asked if the proposed subdivision be part of his HOA's water plan on the same pump and same well. Mr. Peters did not know the answer and would need to defer to the developer. Mr. Barlow next asked about the fence line. The current neighborhood has open, white vinyl fencing, which makes it unique. He had heard rumors that the proposed fence line will be different and he hoped there would be some congruency between the two areas, especially along 4000 West.

In response to Chair Peterson's summary of Mr. Barlow's three concerns pertaining to the HOA, the water, and the fencing, Mr. Barlow responded in the affirmative. Other than those three concerns, Mr. Barlow stated that he considers it a great development.

Chair Peterson next inquired about the history of the development and why the subject property wasn't included in the surrounding development. Mr. Peters did not know the history of the development.

With regard to the three concerns enumerated by Mr. Barlow, Mr. Peters stated that the City has ordinances that apply to those issues, particularly to fencing. The request from Mr. Barlow and his HOA would be more restrictive than what the City specifies, so it would be up to the developer to decide whether to continue with the same fencing design.

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In response to Commissioner Nielsen's observation that the fencing would fall under the purview of the HOA Design Review Committee, Mr. Peters expressed concurrence. Commissioner Brockbank indicated that the secondary water system would also fall within the purview of the HOA Design Review Committee. Mr. Peters confirmed that the City will require evidence that the development will have sufficient shares of secondary water, whether it's a separate water system or part of the existing system.

Kirk Young gave his address as 6150 South Redwood Road and identified himself as the applicant for Star Gardiner Farms, LLC. Mr. Young confirmed that a pump will be set up to provide a secondary water system. He stated that many years ago, his father, Doug Young, developed most of the property in the area. Tom Gardiner and his wife wanted to keep the five-acre piece and they lived there until about a year ago. Mr. Gardiner passed away a few years ago, so the property is now available because Mr. Gardiner's estate is being sold off. Mr. Young was in the process of drafting the CC&Rs for the development. He indicated that he would like to visit with Mr. Barlow about his concerns.

In response to Chair Peterson's question regarding the intended location of the secondary water pump, Mr. Young indicated that it will be in the southwest corner. The water will be pressurized. He also assured Chair Peterson that he would be amenable to turning over his water shares to the City. In response to Chair Peterson's question regarding the possibility of hooking up with the existing HOA, Mr. Young stated that at this point he is planning to implement CC&Rs. He was, however, open to other options.

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

Commissioner Pavlakis noted that there are some things over which the City has no control. Those issues need to be resolved in a cooperative manner by the developer and neighbors. Chair Peterson stated that fencing is a "wish list" item and concurred that congruency of fencing throughout the subdivision is desirable; however, that issue cannot be mandated. The water issue appears to have been addressed to everyone's satisfaction.

Connie Pavlakis moved to forward a positive recommendation to the City Council for the Deer Orchard Cove preliminary and final plats, Application 2014-35, subject to the following:

Conditions:

- 1. That all requirements of the City Code, adopted ordinances, and building and fire codes are met and adhered to for this subdivision.**
- 2. That the applicant provide a statement from South Valley Sewer District verifying that existing service stubs have been installed before construction begins.**

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3. **The applicant is to discharge the run-off water that is currently coming onto that property from across the street.**

Findings:

1. **That the proposed subdivision meets the requirements of the R-1-43 zone and is consistent with the general plan designation for Very Low Density Residential.**
2. **That this application conforms to the City of Bluffdale Land Use ordinance requirements regarding preliminary plat and final plat approval.**
3. **That the subdivision utilizes already existing road infrastructure and services.**
4. **That the proposed change will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

Johnny Loumis, Jr., seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Von Brockbank-Aye; Kory Luker-Aye; Brandon Nielsen-Aye; Brad Peterson-Aye. The motion passed unanimously.

7. **PUBLIC HEARING, CONSIDERATION, AND VOTE on Amending Portions of 11-16-19 and 12-5-3 of the Bluffdale City Code, along with Related Definitions and Provisions to Modify Requirements for Developing on Private Rights-of-Way, Bluffdale City, Applicant.**

At the outset of this agenda item, the Commissioners expressed their concern over the extensive nature of proposed text amendment. They opted, however, to Mr. Peters to the staff report. Mr. Peters indicated that City Planner/Economic Development Director, Grant Crowell, previously visited with the Planning Commission about the need for the text amendment. The City has been looking at flexible development guidelines for the last two years, focusing first on Clustered Residential Development (CRD) and Planned Residential Development (PRD). This endeavor still has issues that need to be addressed and resolved. Additionally, the City's General Plan recommends the implementation of the proposed text amendment with a timeline of 2014 or 2015. The amendments under consideration deal only with rights-of-way in subdivisions. Bluffdale already has private rights-of-way, of different varieties. Private rights-of-way are maintained by their respective HOAs. With few exceptions, a private right-of-way must be built to City standards.

Furthermore, there are enough pieces of property in Bluffdale to subdivide; however, they lack access and would, therefore, require a private right-of-way. This makes development of the parcels difficult to achieve. Therefore, allowing a private right-of-way would open up the potential for development. Mr. Peters gave several examples of this scenario on a Bluffdale map. Staff looked at how other communities in the Salt Lake Valley handle private rights-of-way. The precedent noted in those areas suggests that implementing private rights-of-ways in Bluffdale would prove

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advantageous to the City. Staff also visited with the City Engineer and Fire Chief to get feedback on the potential merit of private rights-of-way. Mr. Peters reiterated that the proposed text amendments establish standards for the construction of private roads.

Mr. Peters identified the key items in the proposed text amendments. He first referenced the text amendment that grants the City the authority to determine if a private right-of-way is in the best interest of the City and if it is compatible with the City Master Plan.

Mr. Peters next reviewed the paragraph that specifies the maximum number of accessing lots.

The next item Mr. Peters reviewed was the tiered approach to cross-sections for the different sizes and zones of the subdivisions and the different specifications. He clarified that these cross-sections are just proposals at this point. Mr. Peters described the parking allowances for the different widths of the cross-sections. Enforcement of the parking requirements would be the responsibility of the owner or HOA of the private road. The City will not be responsible for enforcement, regardless of the calls the Police Department may receive. All site plan approvals that include private roads will have to be presented to the Planning Commission and City Council before the private rights-of-way are finalized.

Fire hydrants and turnaround will be required for roads over 150 feet long, and the turnarounds will have to meet the standards specified in the Fire Code.

In response to Commissioner Pavlakis' statement that this standard would negate the 1,000-foot ordinance, Mr. Peters indicated that it doesn't negate it completely. One of the later text amendments addresses the 30-lot, 1,000-foot rule. The limitation is 20 lots, so a conflict could occur with the 1,000-foot rule. A text amendment allows for the Fire Chief to approve deviations from a specific requirement in the Fire Code by including other requirements, such as sprinkling or turnouts in lieu of the 1,000-foot rule.

Chair Peterson asked if the implementation of the text amendments would put the City in the position of having the ability to require owners of currently existing private roads to bring them up to the current standard. Mr. Peters stated that such a situation would occur only if the property owners were proposing a change to the property. The current private roads are grandfathered unless a change is made to the property. There is, however, a provision that allows for flexibility under certain circumstances. The City Council would have discretionary authority to determine variances from the Code. The primary concern was safety and adherence to the Fire Code.

Commissioner Pavlakis next asked if consideration had been given to setting up criteria, such as the five criteria that exist with the Board of Adjustment, for making determinations on whether to grant a variance for the public right-of-way. Mr. Peters said that no such criteria have been developed, but that decisions to grant right-of-way variances would be made on a case-by-case basis. The ordinance requires the developer to draw up a maintenance plan that specifies who will maintain the

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private right-of-way and the cost to make needed repairs. The City Attorney will have to approve the plan and record it with the County.

Commissioner Pavlakis expressed the concern that the residents will eventually expect the City to maintain the road. Associate Planner, Jennifer Robison, indicated that something similar has occurred in Holladay. The City officials had to reiterate that the roads are private and are not the responsibility of the City. Mrs. Robison stated that the City would have to be adamant in insisting that the roads are private. Mr. Peters explained that the maintenance costs for the roads are of concern to the home owners but they have no legal basis for requiring the City to maintain private roads. The home owners' complaints would go first to City staff, not to the Planning Commission or City Council. Discussion ensued on situations that currently exist where home owners might complain about the maintenance of the roads.

Commissioner Nielsen's understanding was that if a private road existed before the text amendments were implemented, they would be exempt from the new standards. Mr. Peters added that if there is an expansion to the subdivision, the new right-of-way standards would apply. The standard sets the maximum lots allowed at 20.

Mrs. Robison referenced the Mangrum property discussed earlier in the meeting and stated that the text amendments might provide a solution to that property by allowing greater flexibility in the conditions.

In response to Commissioner Nielsen's question regarding conditions required by the Fire Chief for access by firefighters, Commissioner Pavlakis stated that those details are articulated in the text amendments. She reiterated her desire to have more time to review the text amendments.

Mr. Peters stated that there are standards that have been proposed by the City in this ordinance for private lanes that will cover most cases. The Fire Code also has standards, but the proposed text amendments are stricter than the Fire Code.

Chair Peterson asked Mr. Peters to review pictures of private roads in Bluffdale. He then provided a hypothetical scenario involving a property owner with a large lot for raising horses at the end of a long private road. She asked if that person wanted to subdivide if he would he have to pave the entire length of that road and provide an emergency vehicle turnaround. There was also some question as to whether the current homeowners along the private road would have to contribute to the improvements. Mr. Peters stated that the current homeowners would not be responsible for the cost of the improvements to the road. The question was, at what point do the improvements have to begin. Deviations from the standards would be allowed. Commissioner Nielsen sought to confirm and clarify the scenario Chair Peterson provided by stating that the person who was subdividing his property at the end of the road would be responsible for the lots he is putting in. He would create his own impact fees to cover his expenses to put the road in. Mr. Peters stated that he could build the cost of the road into the cost of the lots. The real issue was long-term maintenance of the road.

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And HOA, or some other sort of funding mechanism, would need to be created to assume that responsibility.

Mr. Peters stated that regardless, a road needs to be built to City standard. Perhaps it is only for the extra lots being created, but the road would likely have to extend from the lots to the nearest public road. If a lot has already been legally created, a home can be built on it, regardless of when the lot was created. Mrs. Robison believed a Delay Agreement would need to be in place for those lots in the situation described by Chair Peterson.

Chair Peterson wanted to take a "straw vote" to see where the Commissioners currently stand on the matter. Von Brockbank stated was in favor of tabling the item. Kory Luker stated was willing to vote or table the issue. Brandon Nielsen was willing to vote tonight. Connie Pavlakis wanted more time. Johnny Loumis, Jr., preferred more time as well.

Mr. Peters explained that there are two parts to the text amendments. The first section has been discussed tonight. The other part consists of changes to the existing ordinance.

Connie Pavlakis moved to table the item to the next Planning Commission Meeting. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Von Brockbank-Aye; Kory Luker-Aye; Brandon Nielsen-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed unanimously.

8. City Council Report.

There was no discussion on this agenda item.

9. Planning Commission Business (Planning Session for Upcoming Items, Follow Up, Etc.).

Commissioner Loumis asked about the items he missed because he had to leave the last meeting early. It was noted that the Planning Commission will continue to meet the first and third Tuesdays of the month.

The Commissioners requested that agenda item 8 be retained in Dropbox for the next meeting.

10. Adjournment.

The Planning Commission Meeting adjourned at 9:14 p.m.



Gai Herbert,
Community Development Secretary

Approved: October 7, 2014