



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

September 16, 2015

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, September 16, 2015**, 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

1. Invocation and Pledge.*
2. Public comment (for non-public hearing items).
3. Approval of minutes from September 2, 2015 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a request for a Conditional use Permit for an accessory dwelling unit to be located in a single family dwelling located at 14813 S Camp Williams Rd. Otis Grant & Darcy Mines, applicants.
5. **CONSIDERATION, AND VOTE** on a proposed Site Plan for 103 Townhomes including common areas, landscape plan, building elevations, and associated streets located at approximately 1000 West Harmon Day Dr. (14800 South) within the Westgate Aclaime at Independence Master Planned Community, Holmes Homes, applicant.
6. **CONSIDERATION, AND VOTE** on a Revised Final Plat L, going from 4.57 acres to 5.37 acres and provides 21 single family residential lots within the Independence at the Point . The original approved Final Plat L provided 19 lots. 4 Independence, LLC , applicant.
7. City Council Report.
8. Planning Commission business (planning session for upcoming items, follow up, etc.).
9. Adjournment.

Dated: September 11, 2015

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

Grant Crowell, AICP
City Planner/Economic Development Director

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Present:

Members: Brad Peterson, Chair
Connie Pavlakis
James Wingate
Kory Luker
Johnny Loumis, Jr.
Von Brockbank, Alternate

Others: Mayor Derk Timothy
Mark Reid, City Manager
Grant Crowell, City Planner/Economic Development Director
Jennifer Robison, Associate Planner
Alan Peters, Associate Planner
Gai Herbert, Community Development Assistant

BUSINESS MEETING

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

1. Invocation and Pledge.

Mark Reid offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the September 2, 2015, Meeting of the Planning Commission.

Kory Luker moved to approve the minutes from the September 2, 2015, meeting of the Planning Commission, as corrected. Johnny Loumis, Jr., seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye, James Wingate-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. Kory Luker-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

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4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Request for a Conditional Use Permit for an Accessory Dwelling Unit to be Located in a Single-family Dwelling Located at 14813 South Camp Williams Road, Otis Grant & Darcy Mines, Applicants.

Associate Planner, Alan Peters, presented the staff report and stated that the home under consideration was built in 1957, prior to the incorporation of Bluffdale City. The applicants recently purchased the home, which is located on a 1.18-acre parcel in the R-1-43 zone. Mr. Peters reviewed photos of the home, which consists of approximately 1,951 square feet of living space. The primary dwelling is in the upper level of the home and includes a living area, kitchen, bathroom, two bedrooms, an office, laundry room, and storage area. It also has an attached two-car garage. The primary entrance is in front. On the side there is a separate entrance to the existing accessory dwelling unit.

Parking for the tenants of the accessory dwelling unit will be in one of the garage bays. The large driveway provides parking for additional vehicles, if needed. Mr. Peters next reviewed the floor plan, which includes a door that provides direct access to the garage. There is a set of stairs to the primary dwelling unit. At the top of the stairs is a dead-bolted door to ensure the privacy of the owners and tenants. The accessory dwelling unit consists of a kitchen, living area, bedroom with a walk-in closet, and storage space.

Mr. Peters next reviewed the requirements for accessory dwelling units, as enumerated in the staff report. Mr. Peters identified each requirement and confirmed that the home meets all of the requirements specified in the City Ordinance. Mr. Peters focused his attention on the Construction Code, which states that accessory dwelling units shall comply with all construction, housing, and building codes in effect at the time the accessory dwelling unit was constructed.

Mr. Peters then reviewed the history of the home, noting that it was built in 1957 in an unincorporated portion of Salt Lake County. As a result, there was no permit on file for the original construction. The City has a building permit from February 1991, which was for an addition, presumably for the upstairs primary dwelling unit. Staff was unable to locate a permit for the construction of the accessory dwelling unit. In addition, staff was unable to locate a conditional use permit that was previously issued on the property. Accordingly, it was recommended that the owners provide a copy of the building inspection conducted in conjunction with their purchase of the home. The requested inspection report was included in the staff report. It is detailed and identifies elements of the home that are serviceable and elements that warrant of attention. The Inspector did not recommend any specific corrections. Mr. Peters noted that the home needs to meet the Building Code at the time the accessory dwelling unit is constructed. The Inspector pointed out that some of the outlets are not grounded and recommended that the issue be resolved. Ultimately, the Inspector did not specify any corrections and his recommendations are non-binding.

Mr. Peters reiterated that single-family dwellings and accompanying accessory dwelling units must belong to the same owner. The owners indicated that they will live upstairs and rent out the basement apartment. In addition, Conditional Use Permits run with the applicant and not with the home. A future owner of the home will have to reapply for a Conditional Use Permit in order to continue using the basement as an accessory dwelling unit.

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Staff recommended approval with conditions.

Commissioner Pavlakis had concerns with the Inspector's Report, which identified safety issues. Mr. Peters clarified that the Inspection Report does not state that specific items must be addressed. They are merely recommendations from an independent Inspector who did not identify issues demanding alterations.

Chair Peterson opened the public hearing.

Otis Grant gave his address as 14813 South Camp Williams Road and identified himself as one of the applicants. Mr. Grant stated that the plumbing issue has been resolved. He reported that he and his wife fixed many of the issues identified in the report before they moved in. With regard to the electrical issues noted in the Inspection Report, Mr. Grant stated that those problems were in the primary dwelling unit and he and his wife have also resolved those problems.

Commissioner Loumis was acquainted with the family of the prior tenants and was familiar with the home. The home additions were made a long time ago and likely under County jurisdiction at the time.

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

James Wingate moved to approve the conditional use application for an accessory dwelling unit for Otis Grant and Darcy Mines, Application 2015-42, subject to the following:

Conditions:

- 1. That all requirements of the City Code are met and adhered to for this conditional use permit.**
- 2. That a notice of approval is recorded with the property as required by the City Code.**

Findings:

- 1. That this application meets the requirements for an accessory dwelling unit conditional use permit approval as found in the City and State Code.**

Johnny Loumis, Jr., seconded the motion. Vote on motion: James Wingate-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; Kory Luker-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

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5. CONSIDERATION AND VOTE on a Proposed Site Plan for 103 Townhomes Including Common Areas, Landscape Plan, Building Elevations, and Associated Streets Located at Approximately 1000 West Harmon Day Drive (14800 South) Within the Westgate Aclaime at Independence Master Planned Community, Holmes Homes, Applicant.

Associate Planner, Jennifer Robison, presented the staff report and stated that the application was considered and tabled at the August 19, 2015, meeting to allow the City Council to take action on a City Ordinance to allow more than 30 dwelling units on a single access. Mrs. Robison included in the staff report a copy of the Ordinance approved by the City Council on September 9, 2015. The Ordinance was changed to temporarily allow 120 dwelling units on a single access. Mrs. Robison next reviewed items discussed by the Planning Commission on August 19. She reported that the site plan has not changed since that time. She added that the staff report for tonight's meeting packet is identical to the staff report included in the August 19 meeting packet. Mrs. Robison noted that the City Council has not yet reviewed the site plan. The Development Agreement states that the Planning Commission is the approving body for all site plans.

Chair Peterson's recollection of the August 19 meeting was that the main sticking point for the Planning Commission was the 30-unit rule. Now that the City Council has made an allowance for up to 120 dwelling units, Chair Peterson sought feedback from the Commission on other items of concern. Mrs. Robison noted that the entire project consists of 266 units. The site plan approved for Liberty Homes consists of 52 units. Holmes Homes is proposing an additional 103 units.

When Chair Peterson noted that approval of the application would place the number of approved units over the 120 limit, Mrs. Robison stated that there is a time issue. The City was continuing to work with property owners to secure the property necessary to build 1000 West. Mrs. Robison clarified that building permits will be issued until the 120-unit limit is reached. The change to the City Ordinance allows for these projects to move forward.

In response to Commissioner Wingate's concern regarding the placement of address on the homes, Mrs. Robison stated that one of the conditions in the staff report is that addresses must be placed at the front and the rear of the homes.

Commissioner Brockbank reiterated his concern for off-street visitor parking. Mrs. Robison identified the locations for off-street parking. She added that the meeting packet also includes the on-street parking plan. Chair Peterson reaffirmed that the parking plan complies with the ordinance.

Kory Luker moved to approve the Site Plan Application for the Holmes Homes Townhomes, Application 2015-41, subject to the following:

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Conditions:

- 1. No building permits shall be issued by the City until all required public improvements for the Westgate Aclaime at Independence subdivision are installed, inspected, and accepted as complete by the City Council.**
- 2. All requirements of the City Code, adopted ordinances, adopted building and fire codes, approved Westgate Aclaime at Independence Final Subdivision Plat and DA requirements shall be met and adhered to for this site plan.**
- 3. The Westgate Aclaime at Independence Final Subdivision Plat and specific CC&Rs are recorded prior to the issuance of building permits for any dwelling unit within this site plan.**
- 4. All site plan features and building architecture shall adhere to the approved site plan and the conditions of the WGDRC approval.**
- 5. All street trees shall be installed in the public street park strips prior to the issuance of a certificate of occupancy for all dwellings in accordance with the approved Holmes Homes Landscaping Plan.**
- 6. All park strips, trees, landscaping, irrigation and maintenance adjacent to the public street is the responsibility of the HOA.**
- 7. All landscaped and open space areas identified as Parcels G, H, I, J, K, and L on the final plat are the responsibility of the HOA to maintain.**
- 8. The applicant shall submit a landscaping phasing plan that illustrates minimum landscaping installation around each constructed building and associated park strip landscaping, prior to the final inspection for any constructed building or dwelling in the project. The City Planner shall approve the landscaping phasing plan and no certificate of occupancies for any structure shall be issued unless all landscaping is installed pursuant to the approved landscaping and phasing plan.**
- 9. Any permit for additional fencing within the project shall be approved by the WGDRC prior to submitting application to the City.**
- 10. For each building permit submittal, the City requires a certification in the form of a grading and drainage plan for each lot, stamped and certified by a professional engineer. This should be submitted with the site plan and building permit. No building permit shall be issued without this.**
- 11. After construction, before a certificate of occupancy is issued, the builder shall submit a certification by a Professional Civil Engineer that the lot was actually graded**

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according to the initial engineered plan and that no construction has interfered with that plan.

12. All units shall provide address numbers on the front and rear of each individual unit for safety and unit identification.

Findings:

1. This application conforms to the Aclaime at Independence (Westgate Property) Development Agreement and the requirements of the Mixed Use zone.
2. This application conforms to the City of Bluffdale ordinance requirements regarding site plan approval.
3. The proposed plan will not be detrimental to the health, safety, or general welfare of persons or property within the area.

James Wingate seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; Kory Luker-Aye; James Wingate-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

6. CONSIDERATION AND VOTE on a Revised Final Plat L, Going from 4.57 Acres to 5.37 Acres and Provides 21 Single-family Residential Lots within the Independence at the Point. The Original Approved Final Plat L Provided 19 Lots, 4 Independence, LLC, Applicant.

Mrs. Robison presented the staff report and stated that the original Plat L, along with two other plats, was approved by the City Council on March 25, 2015. The plat had not yet been recorded. Rather than going through the plat amendment process, the applicant revised the drawing before recording it. Mrs. Robison identified on a map the three plats that were previously approved. She then described the changes that have taken place in Plat L. The white box in the southeast corner of the drawing was intended to be a street connection to the south. As the developers looked at the overall plan, they changed some of the road layout system for some of the lots. The result was the elimination of the originally planned road connection. By removing that section of road, the developers were able to add a new lot. That also changed other pieces of property and resulted in the addition of acreage. The boundary description was changed, so the legal description also needed to be modified. In addition, some lot lines were changed. The modifications also included an increase in open space from .26 acre to .29 acre. The City Engineer also reviewed the changes to ensure that there weren't any construction drawings needing to be changed.

Chair Peterson noted that with the original street plan there were setback issues. Mrs. Robison confirmed that the setbacks were no longer an issue. Chair Peterson noted that the issue of fencing that was discussed previously will also go away. The road on the west side will connect to the

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future residential area. The lots on the west side are slightly larger and can accommodate larger homes. The lots range in size from 6,000 square feet to 14,000 square feet.

Connie Pavlakis moved to forward a positive recommendation to the City Council for the Independence at the Point Revised Final Plat L Application 2015-08, subject to the following:

Conditions:

- 1. All requirements of the City Code and adopted ordinances are met and adhered to for each proposed plat.**
- 2. All plats comply with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings prior to the plat recording.**
- 3. The City requires written evidence from the Salt Lake County Flood Control District that a flood control permit has been issued for any discharges planned by the above referenced subdivision into the East Jordan Canal prior to the recordation of the final plat.**
- 4. For each building permit submittal, the City requires a certification in the form of a grading and drainage plan for each lot, stamped and certified by a professional engineer. This should be submitted with the site plan and building permit. No building permit shall be issued without this.**
- 5. After construction, before a certificate of occupancy is issued, the builder shall submit a certification by a Professional Civil Engineer that the lot was actually graded according to the initial engineered plan and that no construction has interfered with that plan.**
- 6. The project adheres to all requirements of the International Fire Code.**
- 7. All building permit submittals for homes have written or stamped approval from the Independence Development Review Committee, pursuant to the requirements of the DA prior to being submitted to the City.**
- 8. All street trees shall be installed in the park strips prior to the issuance of a certificate of occupancy for all dwellings in accordance with the approved Street Tree Plan and all park strip landscaping irrigation and maintenance is the responsibility of adjacent property owner.**

Kory Luker seconded the motion. Vote on motion: Connie Pavlakis-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; James Wingate-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

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7. City Council Report.

There were no comments regarding the most recent City Council Meeting.

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

City Planner/Economic Development Director, Grant Crowell, welcomed questions from the Planning Commissioners with regard to the Parks Plan. Commissioner Wingate indicated that he has been thinking about the individual who discussed his ideas on creating Jordan River access points in Bluffdale. He reiterated the concern expressed by Commissioner Pavlakis that when volunteers carry out service projects, they often end up creating more work for the Public Works Department to maintain. The projects are nice but there needs to be a maintenance plan and budget in place to implement that plan. Commissioner Wingate suggested that a City employee be assigned to serve as a volunteer coordinator. He also noted that individuals and businesses can collaborate to build a low-maintenance ramp to facilitate access to the Jordan River.

Mr. Crowell stated that the Parry Farms ball diamonds are close to the river and the State, coincidentally, is developing a Comprehensive Management Plan for the Jordan River. The agency developing the plan is interested in learning what cities want to do. There could potentially be funding sources from the State that could be tapped into for such initiatives. If the City were to participate with the Jordan River Commission, they could possibly help the City garner revenue. Bluffdale City is currently not a member of the Jordan River Commission. Mr. Crowell added that the City has a Parks Plan and a Capital Facilities Plan, so the City Council could opt to make development of Jordan River accesses a budgetary priority.

Mr. Crowell noted that the City is working with Rocky Mountain Power to implement park improvements at Parry Farms. City Manager, Mark Reid, stated that the City has been working on the Parry Farms improvements for three years.

Chair Peterson next asked what would need to be done if the Planning Commission and City Council like the idea of creating a Jordan River access. Mr. Crowell explained that it would need to get into the Project List and Plan. Other entities in the Valley are also working on a Water Trail Map. Bluffdale is at the southern tip of a nine-mile stretch where the Jordan River is unimpeded. Commissioner Loumis believed the Jordan River is part of the Kennedy Foundation, which would be a potential source of funding.

Commissioner Wingate next asked Mr. Crowell to comment on why the City is not a member of the Jordan River Commission. Mr. Crowell stated that the City has never been a member of the Commission although many other cities are. He commented that there have been concerns about the cost of membership and possible loss of autonomy. Mr. Reid explained that when the Jordan River Commission was organized, the City Council had concerns. One was that they calculated dues based on river frontage. Since the City has frontage on both sides of the river, the dues would be twice what it is for other cities. Another issue was that the City Council felt that the Commission

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had memberships by public interest groups and too much say in the Commission. It wasn't just the municipalities that had a vote, but the public interest groups as well.

Another concern was that the City Council felt that the Commission would have too much of a say in how the City could develop around the river. One of the first things the Commission did after its formation was to obtain the ability to assess taxes of the member cities. Mr. Crowell had spoken with the Commission Director, and it appears that the Commission cannot implement bonds and impose taxes. Instead, they are working on securing grants and other sources of revenue. Commissioner Loumis stated that in the past it was determined that more could be accomplished with developers along the river than by being part of the Jordan River Commission.

Boy Scout Casey Davis reported that he was attending tonight's meeting in partial fulfillment of the requirements for the Communications merit badge. Chair Peterson explained that a person previously discussed with the Planning Commission the notion that a person could get in the Jordan River with a canoe or kayak in Bluffdale and go about nine miles. There is, however, currently no trail to gain ready access to the river, so the person said that the City should put a trail in. Chair Peterson asked Mr. Davis what he thought the City should do. Mr. Davis responded that the City should do it, but he had no immediate suggestions on how to fund it. Commissioner Loumis suggested that it might be a good Eagle Project for when Mr. Davis reaches that point. Chair Peterson thanked Mr. Davis for his input.

Commissioner Brockbank asked if there had been any progress on the condos and apartments. Mr. Crowell responded that he visited with City Attorney, Vaughn Pickell, on the matter. Mr. Pickell was concerned that efforts were being made to apply something to existing vested projects. Mr. Crowell looked into the multi-family zone and found that the current projects are close to meeting the standard. He added that since Independence is already vested, the parking standard cannot be changed for that project.

It was Commissioner Pavlakis' understanding that if the developers made any changes to the original Development Agreement, the City can then make changes to the standards. Mr. Crowell explained that if a developer negotiated a new Development Agreement and a new Project Plan, there are a lot of things up for negotiation. Commissioner Pavlakis asked if the changes would be applicable if the parking requirements were changed for multi-family units in any zone. Mr. Crowell stated that it would not necessarily be applicable because it would be part of the negotiations. Mrs. Robison noted that the multi-family units are in the Mixed-Use zone. Mr. Crowell stated that implementing changes is not a simple matter for the Independence project.

Commissioner Brockbank was aware of other cities that are having the same problem and they are looking to upgrade the parking standard. He did not believe it was equitable for developers to unilaterally change their Development Agreement but not allow the City to implement changes as well. He stated that if the Planning Commission continues to allow the parking issues to continue unresolved, it becomes a safety issue and the Planning Commission is not fulfilling its obligation to the City. Mr. Crowell indicated that he has visited with the City Attorney and no draft ordinance has been written to address this issue. Mr. Reid added that the City hasn't approved a Development Agreement for some time.

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Mr. Crowell stated that the City Attorney is urging caution on this issue because he doesn't understand the severity of the problem. Mr. Crowell suggested he compile standards from other cities. From there, staff could work on developing standards or a City Ordinance. He could not, however, guarantee that the revised standards would end up applying to Independence. Mr. Crowell stated that if actual problems are observed, they can be used as a frame of reference for future negotiations. At this point, the problems are anticipated, but nothing concrete has been observed yet to substantiate them. Mr. Crowell was certain there will be parking problems, especially when there is a bad winter. There will be growing pains with the Independence project. It was noted that the current projects are a bit shy of the City's parking standard.

Commissioner Wingate stated that there is a large complex in Draper near where he works that would provide a useful perspective. He offered to take pictures and share them with the Planning Commission. He had also observed that there are significant snow problems with interior roads at Daybreak because so many cars line the streets.

Commissioner Brockbank noted that it wouldn't do any good to go through this analysis if the City Council isn't amenable to considering changes. Mr. Crowell stated that he and staff could do a quick check of the range of standards implemented by other cities to see what the Planning Commission would like to suggest to the City Council. He explained that density and parking issues will continue to be a concern as long as there is land still to be developed.

Discussion ensued on what parking is like in areas that have been built out. The biggest complaint had been with schools.

Chair Peterson next referenced an email from Mr. Crowell regarding a City Redevelopment Agency (CRA) Meeting scheduled for Tuesday, September 22. The CRA is sponsoring a table with 10 seats available, from 11:00 a.m. to 2:00 p.m. at the Grand America Hotel. Any interested Commission Members were invited to attend. Mr. Crowell considered it to be a good networking opportunity. Commissioners Luker and Wingate were interested in attending.

9. Adjournment.

The Planning Commission Meeting adjourned at 8:10 p.m.



Gai Herbert
Community Development Secretary

Approved: October 7, 2015