



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
June 24, 2014**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, June 24, 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. Approval of minutes from the May 20, 2014 and June 3, 2014 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a request for a Conditional Use Permit in the Heavy Commercial Zone located at approximately 14600 South 790 West for outdoor recreation and entertainment for a water sports facility with accessory uses, Brandon Neff, applicant.
5. City Council report.
6. Planning Commission business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: June 20, 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:

Members: Brad Peterson
Johnny Loumis, Jr.
Kory Luker
Connie Pavlakis
Von Brockbank

Excused: Brandon Nielsen

Others: Jennifer Robison, Associate Planner
Gai Herbert, Community Development Secretary

BUSINESS MEETING

Chair Brad Peterson called the meeting to order at 7:03 p.m.

1. Invocation and Pledge.

Johnny Loumis, Jr., offered the invocation.

Brad Peterson led the Pledge of Allegiance.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the May 20, 2014, and June 3, 2014, Meetings of the Planning Commission.

Connie Pavlakis moved to approve the minutes from the May 20, 2014, meeting of the Planning Commission, as written. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Von Brockbank-Aye; Brad Peterson-Aye. The motion passed unanimously.

Kory Luker moved to approve the minutes from the June 3, 2014, meeting of the Planning Commission, as written. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; Von Brockbank-Aye; Brad Peterson-Aye. The motion passed unanimously.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a request for a Conditional Use Permit in the Heavy Commercial Zone located at approximately 14600 South 790 West for outdoor recreation and entertainment for a water sports facility with accessory uses, Brandon Neff, Applicant.

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Associate Planner, Jennifer Robison, presented the staff report and stated that the proposed business for the subject property is the Bluffdale Cable Wakeboard Park. She explained that the proposed conditional use hearing was made possible because on May 13, 2014, the City Council, upon recommendation from the Planning Commission, approved text amendments to the Bluffdale City Code Title 11-9C-2 and Title 11-2-2 to allow a facility that offers entertainment or outside recreation such as a water sports facility and may include accessory uses, associated eating and drinking areas, retail areas, and staff offices as a new conditional use in the Heavy Commercial (HC) Zone. The subject property is zoned HC. The proposed business would qualify as a conditional use because it is an outdoor water sports facility. Mrs. Robison identified the location of the property on a zoning map to verify that it is in an area zoned HC.

Mrs. Robison next reported that the Planning Commission has the authority to impose, if necessary, reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. Conditions that could be imposed would include such items as landscaping, screening, lighting, parking, hours of operation, and other matters that might be pertinent to the particular use and the particular location. Any conditions that are imposed must be expressed in the motion so that they are included in the public record.

Following the explanation of the consideration and approval of conditional uses, Mrs. Robison reviewed additional pictures of the location of the property. She explained that the principal access to the subject property is provided by an easement at 14600 South and 790 West through the South Springs Business Park Condominiums. Mrs. Robison identified the location of an additional access to the east of the buildings located immediately adjacent to the subject property to provide a secondary emergency access, if necessary. That access is 20 feet wide and the Fire Chief has indicated that it would be acceptable as an emergency access.

The subject property is 10 acres in size, including the lake. Mrs. Robison then showed photographs of the actual cable system that would be used. The cables are attached to towers and run the length of the lake. She then reviewed the site plan for the subject property. The site plan includes grass areas and a beach area. There will be two cables. System A is 650 feet long and System B is 325 feet long. The parking area will be paved and is designed to have 18 parking stalls. That number meets the requirements of the ordinance. A 960-square-foot modular building will be placed on site for this season since it has been shortened. The ordinance allows temporary structures for up to one year. There will be restrooms on the site as well. The Board of Health allows temporary restroom facilities.

Mrs. Robison indicated that there is a well on the property that will be used to enhance the lake.

The proposed hours of operation will be 9:00 a.m. to 8:00 p.m., so there is no outdoor lighting proposed. The anticipated number of people on the site ranges from 1 to 12 people per hour.

Commissioner Pavlakis asked about the parking requirements that exist. Mrs. Robison stated that parking requirements don't exist for the use; however, there are requirements for the zone. She reiterated that the proposed number of stalls falls well within the parking requirement for HC zones.

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Mrs. Robison reviewed the three conditions specified in the staff report and assured the Commissioners that the applicant would have to meet all those requirements before building permits would be issued.

Chair Peterson opened the public hearing.

The applicant, Brandon Neff, gave his address as 3291 Millville Street, in South Jordan. In response to Commissioner Pavlakis' question regarding the water depth at the beach areas, Mr. Neff stated that at the actual entry it is three to four feet deep and drops off quickly. He then indicated that once he receives approval to move forward, he will construct a dock system similar to what is at Antelope Point so that he can control the depth of the water. It will not be built before he opens, but he plans to build it this season.

Commissioner Pavlakis next asked Mr. Neff to indicate where riders will enter the lake. The riders will enter off of a dock. The wakeboarders will be almost at water level when they take off.

In response to Commissioner Pavlakis' question regarding the planned landscaping around the towers, Mr. Neff stated that he will level out that area before he places the towers and anchors there and those locations will be just dirt.

Commissioner Pavlakis next asked if changing areas will be provided. Mr. Neff stated that the restrooms will be large enough to accommodate people who need to change. The restrooms will also have lockers. Additionally, there will be a separate area for the commode and the changing area. Mr. Neff also plans to have outdoor showers so that people can wash off the sand.

In response to Commissioner Pavlakis' question regarding the planned months of operation, Mr. Neff stated that it will depend on the ability of the well water to get the water temperature of the lake to an acceptable level. That said, he anticipates it to be open March through October.

Since there are no plans for outdoor lighting, Commissioner Pavlakis expressed concern with the proposed closing time of 8:00 p.m. Mr. Neff stated that at some point he would like to add lighting, but he needs to minimize his start-up costs so that he can see how well the business is going to do.

Commissioner Pavlakis expressed concern about the cleanliness of the pond and asked what was being done to ensure that it remains clean before the business opens. Mr. Neff stated that he recently dove the pond and indicated that there is no debris at the bottom of the lake.

In response to Chair Peterson's question regarding the maximum depth of the lake, Mr. Neff stated that it is about 40 feet deep. With regard to the cleanliness of the water, Mr. Neff noted that with the use of the well, the water will be turned over on a fairly steady basis, which will help ensure good water quality.

Commissioner Loumis noted that the parking lot could be expanded, if necessary. Mr. Neff concurred with Commissioner Loumis' observation, and indicated that he would like to let the

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business dictate the size of the parking lot. Commissioner Loumis also stated that he saw a wakeboarding system in operation recently while he was in Florida.

Commissioner Loumis asked Mr. Neff if he plans to offer a family plan before he opens. Mr. Neff stated that he is still looking at his pricing structure.

Commissioner Brockbank asked Mr. Neff to describe the typical clientele and level of use of this type of business will generate. Mr. Neff responded that he hopes to attract people from all walks of life and families. He would like to foster a family atmosphere, but he doesn't want to be a babysitter and have parents just drop off their children. Commissioner Brockbank concurred that he would like to see this be attractive to all, and not just youth. He asked if group reservations would be offered. Mr. Neff responded in the affirmative and added that he would like to see corporations rent the facility for employee parties.

Commissioner Brockbank followed up on an earlier comment that the business can accommodate 1 to 12 people per hour. Mr. Neff stated that 12 people per hour is the maximum capacity of the system, with 6 people per hour at each tower. The participants pay for every hour of use. Given that level of use, he will need to determine a pricing structure that will be affordable but that will cover his expenses.

Noting that this is a natural lake, Commissioner Brockbank asked where it drains. Mr. Neff stated that there is a pump house that sends the water through the fish hatchery ponds down to the stream. The water continually flows through the lake and down to the stream.

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

Commissioner Brockbank asked Mrs. Robison about the mode of site plan approval. Mrs. Robison stated that it would go to staff for approval. City ordinance allows site plans to be approved at the staff level for buildings of less than 15,000 square feet. Any conditions that are site specific can be included in the motion.

Since Mr. Neff wishes to obtain a Conditional Use Permit with the bare minimum of facilities in place, Commissioner Pavlakis asked if a condition can be imposed to monitor expansion. Mrs. Robison stated that the Planning Commission could do that, or give staff the authority to make approvals if the changes are consistent with what Mr. Neff is already doing and if it doesn't exceed the maximum allowable size of buildings for approvals at the staff level. If Mr. Neff wants to add other attractions, he would have to obtain approval from the Planning Commission. With regard to Commissioner Pavlakis' question regarding the possible addition of lighting, Mrs. Robison stated that the Planning Commission could impose a condition that it be approved by the Planning Commission. Alternatively, if staff believes that a proposal is beyond the purview of staff authority, the proposal would go before the Planning Commission. The use is quite broad in the definition, so accessory uses are already covered.

Commissioner Pavlakis stated that her primary concern is how to address such things as the addition of lighting or a change in the months or operation or the hours of operation. Mrs. Robison stated

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that the months of operation have been indicated by the owner. If he decides to add lighting, the Planning Commission could specify that Mr. Neff would need to get Planning Commission approval to add lighting. Commissioner Pavlakis clarified that her concern was that if Mr. Neff expands the months of operation or hours of operation, how the City would ensure that the ramifications of the change are monitored. Mrs. Robison stated that such a change would be handled at staff level. She also noted that the months and hours of operation were included in the staff conditions.

In response to Commissioner Pavlakis' concern, Mr. Neff asked if it would be better to set the hours of operation as 9:00 a.m. till dusk. Commissioner Pavlakis stated that his suggestion would be stated as a condition in the motion.

Commissioner Loumis stated that if the business proves to be successful, he would be amenable to having Mr. Neff come before the Planning Commission and request to install lights and remain open until 10:00 p.m., which he believes is a reasonable time.

Mrs. Robison noted that if the hours of operation are part of the conditions, any change in the hours of operation would have to be approved by the Planning Commission.

Commissioner Brockbank stated that the Planning Commission bases their decisions on the assumption that Mr. Neff will continue to be the owner of this business. He expressed a concern about what would happen if Mr. Neff were to sell his business to someone else and the new owner doesn't have the same level of commitment. Discussion ensued on whether a conditional use runs with the owner or with the land. Mrs. Robison read from the ordinance, which says that a conditional use is indefinite and runs with the land. That language is a change. Chair Peterson reassured Commissioner Brockbank that the City would have oversight to ensure that the conditions continue to be met.

Connie Pavlakis moved to approve the conditional use permit request for the Bluffdale Cable Wakeboard Park, Application 2014-27, 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 site plan approval is granted by City Staff prior to issuance of any building permits.**
- 3. That no approval of a site plan, building permit, business license, or subdivision may be granted until the owner can demonstrate legal access to the property.**
- 4. That the hours of operation are changed to 9:00 a.m. to dusk.**
- 5. That adequate safety warning signs are posted.**

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Findings:

1. That this application meets the requirements for a conditional use permit approval as found in the City and State Code.
2. That the proposed conditional use permit 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; Kory Luker-Aye; Von Brockbank-Aye; Brad Peterson-Aye. The motion passed unanimously.

4. City Council Report.

There was no discussion on the above agenda item.

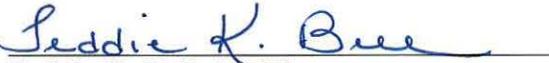
5. Planning Commission Business (Planning Session for Upcoming Items, Follow Up, Etc.)

There was no discussion on this agenda item.

6. Adjournment.

The Planning Commission Meeting adjourned at 7:52 p.m.

Gai Herbert
Community Development Secretary



Teddie K. Bell, MMC
City Recorder

Approved: _____ July 8, 2014 _____