



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
July 8, 2014**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, July 8, 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 June 24, 2014 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a request for a major home occupation permit in order to have more than one employee work in a home office located at 13940 S Redberry Fox Cove. Kirk and Kim Duncan, applicants.
5. Planning Commission business (planning session for upcoming items, follow up, etc.).
6. Adjournment.

Dated: July 1, 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: Grant Crowell, City Planner/Economic Development Director
Alan Peters, Associate Planner
Gai Herbert, Planning Secretary

BUSINESS MEETING

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

1. Invocation and Pledge.

Kim Duncan offered the Invocation.

Connie Pavlakis led the Pledge of Allegiance.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the June 24, 2014, Meeting of the Planning Commission.

Von Brockbank moved to approve the minutes from the June 24, 2014, meeting of the Planning Commission, as printed. Connie Pavlakis seconded the motion. Vote on motion: Von Brockbank-Aye; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Brad Peterson-Aye. The motion passed unanimously.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a request for a Major Home Occupation Permit in Order to have more than One Employee Work in a Home Office Located at 13940 South Redberry Fox Cove. Kirk and Kim Duncan, Applicants.

Associate Planner, Alan Peters, presented the staff report. Mr. Peters indicated that requests for Major Home Occupation Permits occur infrequently. Requests for Home Occupation Permits occur frequently; however, that type of permit typically can be approved at the staff level. A Major Home Occupation Permit is required when there is more than one employee who does not live in the

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home. Such is the case with the application under consideration. The applicants have a business that will have one full-time and two part-time employees who do not live in the home. Therefore, the Planning Commission must review and determine whether or not the proposed use complies with the criteria specified in the Bluffdale City Code.

Mr. Peters identified the subject property on a map and satellite rendering and stated that the home is in the R-1-43 zone. The applicants own the business 3 Key Elements, which is a training, mentoring, and character development company based in an office in South Jordan. They recently purchased the home under consideration and hope to perform business activities in their home. It was noted that the primary office and activities will continue to take place at their South Jordan office. In addition to the owners of the home, there will be one full-time and two part-time employees who will work out of the applicants' home.

Mr. Peters reviewed the standards specified in the Bluffdale City Code. In particular, the applicants must certify that the additional employees will not cause conflict with the residential use of the dwelling or the residential nature of the surrounding area. Off-street parking is required for all on-premises employees. With regard to parking, Mr. Peters showed an aerial view of the subject property and noted the exceptionally large paved driveway that can accommodate many cars on the site.

The Bluffdale General Plan provides accommodations for home occupations. The General Plan states that home occupations must be compatible with residential uses, do not create nuisances, and protect the aesthetics and property values of the residential area. Mr. Peters indicated that the applicants desire to make sure that they preserve the residential appearance of their property and they do not want it to look like a business. In addition, the R-1-43 Zone supports home occupations.

Mr. Peters noted that within the Bluffdale City Code, there are 17 standards specified as General Requirement; three standards specified for Patrons; two standards specified for Employees; and two standards specified for Vehicles. Staff reviewed the standards as they pertain to the application and determined that the applicants are in compliance. Mr. Peters highlighted some of the standards that are particularly relevant to the application. Patrons Standard Number 3 allows for promotional meetings for the purpose of selling merchandise, taking orders or training; however, said meetings shall not be held more than once per month. The applicants indicated that they plan to have group training meetings at their home but they will not occur more than once per month. The Ordinance does not specify that off-street parking must be provided for promotional meetings, but the applicants believe that their driveway is large enough to accommodate most, if not all, of the cars that will be present at their monthly meetings.

Mr. Peters noted that he has received three emails, two of which are included in the staff report, from people who are not supportive of the application because of concerns with the increased traffic they believe the business could create and the potential to exacerbate the speed violations that already occur in the area. Mr. Peters read the email that was not included in the staff report.

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Chair Peterson opened the public hearing.

Kim Duncan gave her address as 13940 South Redberry Fox Cove, and identified herself as one of the applicants. She described her family and indicated that they recently closed on their home and are making improvements before they move in. Their target date for moving in is July 21st. Mrs. Duncan stated that she and her husband met with all of their neighbors in the cul-de-sac and they expressed their support for the business. Mrs. Duncan stated that when she realized she would have to obtain approval to have more than one employee in the home, she immediately met with Mr. Peters to determine what would have to be done to get the proper approvals for the business. The main headquarters for the Duncans' company is located in South Jordan. The Duncans have over 30 employees and 90% of the business is done at that location. Mrs. Duncan stated that most of the company's major events take place at the Salt Palace or other such venues. The company hosts some exclusive events, which are by-invitation only. The Duncans invite very few people to their home for these meetings because they want to maintain as much privacy as possible at their home for their family. However, no more than once per month they like to hold special training meetings at their home for invited clients. She and her husband believe that their driveway would be large enough to accommodate all of their clients' cars. The monthly meeting takes place in the morning from 8:00 a.m. to 12:00 noon during times the neighborhood children are in school. The clients are hand selected to attend the meeting in the Duncans' home.

Addressing the traffic and speed concerns expressed in the emails previously referenced, Mrs. Duncan indicated that her full-time employee is the sole provider for her family of six and is very cognizant of the need to drive carefully in neighborhoods where children are present. The two part-time employees are likewise mothers—one is even a grandmother—so they are very aware of children in the neighborhood. The two employees are actually full-time employees of the Duncans' company and do the majority of their work at the South Jordan office, but they would work part-time at the Duncans' home, as needed. The employees do all of their work inside the home, so the neighbors won't be aware of their presence. In addition, the home will not be modified in any way to look like a business.

In response to Commissioner Pavlakis' question about the number of people who would attend the monthly meeting, Mrs. Duncan stated that the number ranges from 10 to 20, with a maximum of 25 people. They would be asked to meet at the South Jordan office and carpool from there to minimize the number of cars on-site. Mrs. Duncan stated that she and her husband have calculated that approximately 25 cars would be able to park on the driveway.

Commissioner Loumis noted that with 25 cars on the driveway, people would find themselves boxed in and unable to leave, so they might not want to park on the driveway. Mrs. Duncan countered that the drivers would leave at the same time at the conclusion of the morning meeting. Furthermore, they would be advised that they would need to park there. That expectation would be in place even two years from now.

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Commissioner Brockbank noted an email that expressed concerns about the traffic safety and urged Mrs. Duncan to make sure that her employees drive slowly in the residential area. Commissioner Brockbank also stated that having 25 people at the Duncans' home would not be any more than a family gathering, so he did not see that number as excessive, especially only once per month.

In response to Commission Pavlakis' question as to any future plans to expand the number of employees that would work out of the Duncans' home, Mrs. Duncan replied in the negative, adding that she had previously tried to have more employees at her previous home and it was too many.

Chair Peterson noted that there are 17 General Requirements and asked Mrs. Duncan if she felt that any would be problematic. Mrs. Duncan assured Chair Peterson that she had reviewed all of them and did not find even one that was questionable. Chair Peterson asked if the Duncans have anything on their vehicles, such as a vehicle wrap, that advertises their company. Mrs. Duncan responded in the negative. She added that she and her husband have no plans to put a vehicle wrap on their car or a sign in their yard. They want their home to look like a home, not a business. Chair Peterson then asked if the Duncans have had any problems with their previous neighbors in Herriman for having a home business. Mrs. Duncan responded in the negative. That home is small, so they bought the home in Bluffdale because they needed a larger location.

Barbara Harper gave her address as 13899 South Redberry Fox Cove, and identified herself as a neighbor to the Duncans. She expressed her support for the Duncans' business. She noted the irony that one of the people who wrote an email in opposition to the Duncans' application has himself had many people work at his home over the years in violation of the Bluffdale City Code. With regard to one of the other emails, Ms. Harper noted that he is often outside playing with his children, so he is concerned about the cars going up and down the street. However, there are few cars in the area where he lives, so she didn't see a problem with the traffic. She added that her husband served as the President of the Riverton Baseball Association for several years. There were times when the entire Board would meet at the Harpers' home and the neighbors expressed no objections, even when they parked on the street.

John Serrine gave his address as 13986 South White Tail Cove, and identified himself as a neighbor who lives about one block away from the Duncans. He stated that this proposal has been discussed among the residents of the neighborhood and he wanted to assure the Planning Commission of the neighbors' support, especially since there are many people in the area who operate businesses out of their home. He wasn't aware of any complaints other than the emails that were included in the staff report.

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

Connie Pavlakis moved to approve the request for a major home occupation for Kirk and Kim Duncan, Application 2014-29, subject to the following:

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Conditions:

- 1. That all requirements of the City Code are met and adhered to for this home occupation.**
- 2. That all employees park on the premises.**
- 3. That the applicants return to the Planning Commission if there are any increases to the intensity of the home occupation.**

Findings:

- 1. That this application meets the requirements for a major home occupation as found in the City Code.**
- 2. That the proposed home occupation is compatible with the residential character of the neighborhood and does not create any nuisances.**
- 3. That the proposed home occupation will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

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

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

City Planner/Economic Development Director, Grant Crowell, noted that Commissioner Luker needs an electronic device because the City Council does not like meeting packets to be printed off. Discussion ensued on the different options for the use of electronic devices. Commissioner Luker stated that he reviews the meeting packet from Dropbox.

Mr. Crowell noted that the next Planning Commission Meeting will take place on August 19th.

One of the next pieces of the Aclaime project was forthcoming.

The City is in the process of obtaining land for the curve on Porter Rockwell Boulevard. The City received an allocation in the range of \$500,000.

6. Adjournment.

The Planning Commission Meeting adjourned at 7:38 p.m.

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A handwritten signature in blue ink that reads "Teddie K. Bell". The signature is written in a cursive style and is positioned above a horizontal line.

Teddie K. Bell, MMC
City Recorder:

Approved: August 19, 2014