



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
September 2, 2014**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, September 2, 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 August 19, 2014 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on an application proposing to amend the Official Zoning Map from R-1-43 (Residential 1 acre) with CRO (clustered residential overlay) to MU (mixed Use) for approximately 2.29 acres, located at approximately 1141 West 14600 South, ER Development, Inc., applicant.
5. **CONSIDERATION AND VOTE** on a Revised Project Plan / Major Change for the Aclaime at Independence Westgate Development Area within the Independence Master Planned Community, located at approximately 14800 South Noel Nelson Drive (1000 West). ER Development, Inc., applicant.
6. City Council Report.
7. Planning Commission business (planning session for upcoming items, follow up, etc.).
8. Adjournment.

Dated: August 28, 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, Chair
Von Brockbank (arrived at 7:08 p.m.)
Johnny Loumis, Jr.
Brandon Nielsen
Connie Pavlakis

Excused: Kory Luker

Others: Mayor Derk Timothy
Grant Crowell, City Planner/Economic Development Director
Gai Herbert, Planning Secretary

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.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the August 19, 2014, Meeting of the Planning Commission.

Brandon Nielsen moved to approve the minutes from the August 19, 2014, meeting of the Planning Commission as printed. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Brandon Nielsen-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. Connie Pavlakis abstained. The motion passed unanimously with one abstention.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on an Application Proposing to Amend the Official Zoning Map from R-1-43 (Residential One-Acre) with CRO (Clustered Residential Overlay) to MU (Mixed Use) for Approximately 2.29 acres, located at Approximately 1141 West 14600 South, ER Development, Inc., Applicant.

5. CONSIDERATION AND VOTE on a Revised Project Plan/Major Change for the Aclaime at Independence Westgate Development Area within the Independence Master Planned Community, Located at Approximately 14800 South Noell Nelson Drive (1000 West), ER Development, Inc., Applicant.

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Agenda items four and five were discussed together.

City Planner/Economic Development Developer, Grant Crowell, presented the staff report. He indicated that the two applications under consideration are one project with two companion items. The first deals with the rezoning of a small, 2.29-acre parcel of property owned by Union Pacific that is adjacent to the Westgate neighborhood of the Independence development. The second item is the plan by which the 2.29 acres will be incorporated into the project if the parcel is rezoned Mixed Use (MU). With that background, Mr. Crowell indicated that the proposals under consideration in agenda items four and five could be discussed interchangeably.

Mr. Crowell reviewed the map of the area to show how the subject parcel fits into the area. He explained that the parcel cannot be accessed from the west side and is accessible only from 1000 West, which is now known as Noell Nelson Drive. The East Jordan Canal is located in part of the parcel. Efforts were made to determine how it was intended to be zoned. Research indicated that it was to be R-1-43 with Clustered Residential Overlay (CRO), but it was never designed to be part of the development to the west because the Union Pacific track runs through it. To the east, the parcel is surrounded on three sides by land zoned MU. With the tracks to the west, the parcel fits in better with the MU zone; therefore, staff recommended a positive recommendation to rezone the parcel MU.

Mr. Crowell proceeded to discuss the plan for incorporating the parcel into the project, which related directly to agenda item number 5. Many changes occurred with the Independence project, so the map was becoming more and more out of date because the different property owners have replaced the development agreements. The proposal under consideration was to effect a major change to the Westgate Development Agreement and the Project Planning Document and to rename the property as the Aclaime at Independence Westgate Neighborhood. To do so would require the approval of the Planning Commission. The Westgate Neighborhood was now under multiple ownership. The Aclaime at Independence property consists of a variety of product types and open space. There is also a large power corridor that traverses the Independence project. Mr. Crowell identified the previous and proposed plans.

In response to Commissioner Loumis' question regarding the parcel outside of the redline boundaries to the southwest, Mr. Crowell stated that that property is not part of the project.

Mr. Crowell indicated that the housing units are reflected in the table in the staff report. The project plan goes into detail on the proposal and is available to the Commissioners in Dropbox. He then reviewed the process for evaluating the number of units proposed in the project plan. It was noted that there is an open space component that goes with the project. Mr. Crowell explained in detail the complexities of ensuring that the open space requirement is still met in the aggregate for the project, especially when there are multiple owners involved. Discussion ensued on how open space is monitored to ensure compliance. Returning to the project under consideration, Mr. Crowell indicated that the developer is providing adequate open space for this proposal. Mr. Crowell also explained that a substantial amount of behind-the-scenes negotiation takes place with developers to ensure adequacy of open space, while maintaining balance with property owners' vested rights. Master planning a community is just an extremely complex process.

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In 2007 the City approved approximately seven units per acre for the project and approved over 3,000 units along with parks, trails, circulation, and design guidelines.

Commissioner Pavlakis indicated that she gets confused about the number of units being built after a piece of property is sold to the school district. She asked if the number of units stays the same if that increases the density in the residential areas. Mr. Crowell explained that when the property is sold to a high school, the developer is apprised of the impact of the high school on the allocation of housing units. Opinions vary and are strong on the matter.

Commissioner Loumis stated that when land is developed, especially if it is a master planned community, it needs a school and a church building. He remarked that those buildings will inevitably impact the density of the area. Mr. Crowell indicated that at this time, there are no proposals on the property for a school or a church, but there are proposals for public and private parks and trailways. They will enhance the open space element of the project.

In response to Commissioner Pavlakis' question about whether or not the overall plan includes school or church properties, Mr. Crowell stated that the new DAI plan features an LDS stake center in the northwest corner, which will require the property to be reconfigured. There is also property that owned by the school district but there is a lot of discussion on what really might happen. He felt it would be premature to say specifically what will occur. Commissioner Pavlakis expressed concern that more apartment-type housing will be built than was originally anticipated. Mr. Crowell stated that the City Council would likewise be concerned about a proliferation of apartment buildings in the rest of the project. City staff will work with the property owners on the issue. The D.R. Horton project consists of townhomes.

Mr. Crowell reviewed the planned product types for the different parts of the project. He indicated that some of the items that were originally planned are no longer feasible, some were because of engineering and others because of the current market conditions. There are many factors and elements that need to be considered in the planning process.

In response to Chair Peterson's question regarding the active private open space versus the active public open space, Mr. Crowell indicated that the private open space is in the middle of the townhomes. The private open spaces are maintained by the HOA. Negotiations take place when identifying open space and who is responsible for it. In response to Chair Peterson's question regarding the area to the north shown in yellow, Mr. Crowell explained that is a common area. Chair Peterson noted that he has observed some creativity in the designation of open space. Mr. Crowell stated that it is the way many townhome associations provide for open space. A plat and site plan will be submitted for the townhome project. Mr. Crowell indicated that there is a possibility that a cul-de-sac will be stubbed into the project. Whether or not the idea will work will depend on the cooperativeness of the neighboring property owner. Both plat options were included in the meeting packet. Mr. Crowell believed both plans were in harmony with the concept plan and could be approved.

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It was reported that each dwelling unit in the community pays a \$5,400 Parks Impact Fee so that there is a Parks Development Plan for Independence.

Commissioner Nielsen clarified that the Planning Commission just needs to re-evaluate whether or not to rezone the subject property Mixed Use. It was noted that the development plan is not being considered as part of this application. Mr. Crowell indicated that the addition of the small parcel creates a significant change to the original plan because of its impact on the project geometry. The potential owners need to know what they can count on. In the end, however, the project will look essentially the same as the original plat.

In response to Commissioner Nielsen's question regarding the plan for working with the property owner to the north on the cul-de-sac, Mr. Crowell did not have an immediate answer; however, he stated that the project could move forward regardless of what the owner is willing or not willing to do because staff has plans in place to fit both contingencies.

Commissioner Pavlakis asked about the snow removal plan described on page 37 of the packet. She wanted to know about the size of the area where the snow will be stored, particularly in the area designated on the west of the project. Mr. Crowell did not have a dimension for the area but stated that the intent was to reinforce that the snow was not to be pushed into the public street area. He explained that the City has an ordinance addressing that issue. Mr. Crowell stated that the diagram is an illustration, but he did not have dimensions on those areas.

Commissioner Nielsen noted that there is a great deal of on-street parking. Mr. Crowell acknowledged that that is the case but stated that the City has a winter parking ordinance in place. He remarked that it will be interesting to see how the issues of on-street parking and snow removal evolve over time. Staff had concerns with that issue. If the plan doesn't work, the City Engineer can work with the contractors to see what does work. The Commissioners then reviewed the parking plan. It was noted that parking and snow removal can be discussed when the site plan is brought forward to the City. Mr. Crowell recommended that on-street parking be addressed tonight if it is an issue for the Commissioners. If they don't address the issue at this meeting, the developers will have the expectation that the on-street parking plan will be acceptable. In response to Commissioner Nielsen's question about whether or not the units will have garages, it was verified that they all will have two-car garages, which will mitigate the need for on-street parking.

Commissioner Pavlakis' understanding was that if a different site plan is presented, everything is up for renegotiation. Mr. Crowell did not believe everything is up for renegotiation, but stated that the process allows for significant discussions, which do occur. With winter coming, he anticipated there would be many questions regarding the plans currently in place. Adequate parking must be planned, which may require in-depth discussions. Mr. Crowell advised the Commissioners that when other projects are planned, such as the Woodbury property, the Commissioners will see unique proposals come forward to address parking. The development pattern under consideration represents a different paradigm from the norm. Commissioner Nielsen noted that since both involve the same developer he would anticipate the changes to be compatible with the original plans. He noted that City Code already restricts street parking during the winter months.

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Mr. Crowell stated that if the Commissioners believe there is a better way to design parking, now is the time to make those recommendations. To clarify, Mr. Crowell identified the streets that are public and those that are private.

Commissioner Brockbank believed that the City places itself on dangerous ground when the developer is allowed to piecemeal the development. When the development was originally approved, it was approved as an entire project, with well-established density requirements under a single development agreement. Now there are multiple agreements being developed and implemented. As a result, he believes the developers are able to build more than they were originally allowed to. He also believes it is a dangerous precedent to allow higher density in one area based on the assumption that another area's lower density will adequately offset the higher density. In reviewing the plans, he did not see any place where the streets have not cut into the acreage of the residential lots. Consequently, he was concerned that the density standards are not being adequately implemented. He believed such flexibility shows favoritism to this project over projects that occurred in previous years. Commissioner Brockbank believed that the developer is pursuing a higher density than was originally planned. He stated that the responsibility of the Bluffdale Planning Commission includes planning and zoning issues; therefore, the Commissioners have a responsibility to engage in the planning process such things as off-street parking to ensure compliance with the development agreement and City ordinances. He did not want the City to be compromised because of decisions the Planning Commission and City Council make.

Mr. Crowell addressed Commissioner Brockbank's concern about the density transfer issue. He stated that it is impossible to put the project back together because there are so many different owners. Commissioner Brockbank countered by stating that the owners created their own problem, not Bluffdale. He questioned why Bluffdale should pay the price by allowing higher density than was originally approved and wouldn't normally be allowed.

Mr. Crowell acknowledged that Commissioner Brockbank has had these same concerns since the early planning stages of the Independence project, and they are important issues. There are, however, decisions that have been made to avert legal battles in the courtroom with the property owners. The City Council opted to work with the owners to create updated plans. In July of 2011 the City Council approved a modified Project Plan for DAI that completely changed the middle of the project. In January of 2012, the City Council made the decision to "carve out" this piece and deal with it differently from the rest of the City. The Council has been firm on the allowable number of units, however. Commissioner Nielsen recalled that an "open space checkbook" was allowed to ensure that the open space requirement was met in the aggregate. Mr. Crowell confirmed that an open space take-down schedule has been developed for different areas as part of the development agreement.

Chair Peterson asked about the original density agreed to by the City in 2007 for the project. Mr. Crowell stated that the original development agreement specified 7.1554 units per acre. The density for the plat being proposed for the subject property is 8.3 units per acre. The DAI project is now less than 7 units per acre.

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The projects have been vetted individually since 2011. Each project cannot be required to be at 7.1554 because that approach wasn't used at the outset of the development. The City Council set a precedent by allowing excess open space in one area to be applied to other parts of the project. Additionally, the City decided not to fight the meaning of "transferring units". The Mixed Use text changes occurred in 2013, allowing additional townhomes over the original 20%. The original plan was over 20% and did not even meet the City ordinance. Mr. Crowell stated that if the Planning Commission believes there is too much density they need to tie it to some kind of issue that doesn't contravene the owners' vested rights of the project. Also, streets count in this project as well as at other developments, which means that the streets do not count against the density. Commissioner Brockbank clarified that the 32.1 acres does include the roads. As a result, the density figures count the roads as acreage.

In response to Commissioner Pavlakis' question regarding the increase in the number of units on the proposed parcel over the original parcel, Mr. Crowell stated that if the units from the Union Pacific property are counted, it is only one extra unit in from the Bland project. Clarifying the figures, Mr. Crowell stated that the original parcel contained 249 units. With the additional rezoned acreage and with one transfer of units to this property, the number of units would increase to 266.

Mr. Crowell added that churches and schools do not count against the density, however, churches and schools were anticipated to be in the project. When these types of facilities are built, transference of density needs to occur. It becomes very tricky to allocate units to landowners in a fair and equitable manner. Commissioner Brockbank asked if other landowners who have not used all of their density have signed agreements to transfer their open space to other areas that have exceeded the density requirement. He was concerned that a subsequent landowner will express a need for extra units and use the permission that other landowners have been granted as a precedent. Commissioner Brockbank was trying to protect the City from abuses of the City's desire to be too flexible with subsequent landowners and developers. Mr. Crowell acknowledged the complexities of the issue.

Mr. Crowell addressed the issue of off-street parking. If there is a design flaw in the plan, such as parking, which poses a safety issue, the Planning Commission can request further research to develop a better approach.

Chair Peterson stated that if the City decides to pursue different options and changes mid-stream, it is not fair to the developers unless there is a compelling reason to do so. Therefore, the Planning Commission needs to be careful in making decisions based on assumptions that might be premature and unfounded. He summarized that the primary issues being conveyed are snow removal, private drives, smaller lots, and on-street parking, which don't exist in any other parts of Bluffdale. The differences that have been implemented in Independence are different and experimental. Those who don't like those differences don't have to buy a house there. There are those, however, who like it. Commissioner Brockbank countered by stating that if there are many people who decide they don't like that approach, Bluffdale is stuck with the problem. Chair Peterson stated that if it becomes apparent that people don't like the characteristics being implemented at Independence, then it would be unfair to force them to stop. The precedents have been set and they need to be followed through on, at least for this project. If the City decides to disallow that approach on

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another project, it would be the City's prerogative to do so. Commissioner Brockbank indicated that his issues and concerns had been adequately addressed.

Commissioner Pavlakis stated that her only concern was where snow removal and on-street parking coincide.

Commissioner Loumis was excused from the meeting at 8:20 p.m.

Chair Peterson opened the public hearing.

Dave Tolman gave his address as 1245 Westwood Road, Bountiful. Mr. Tolman acknowledged the Commissioners' comments and concerns and indicated that he is committed to providing a product the City can be proud. Mr. Tolman stated that City Attorney, Vaughn Pickell, will not allow his company to take densities from other projects and transfer them to the parcels he is developing. He can only transfer densities within his own parcels. Next, he stated that the City has attached a density to each parcel and Mr. Pickell stays very close to those parameters. Mr. Tolman was interested to learn that DAI has been credited with densities for parks and schools, but Aclaime has not. If the Jordan School District purchases property for a school, that density will be lost and Aclaime will have to work with the City Attorney and the DRC before approaching the Planning Commission. Aclaime is not seeking to increase density. Previously he presented to the Planning Commission and City Council their plans for the project and the Bland project. The original plans called for lots that were about 35' x 70' that would be front or rear loaded. The developer worked to identify how parks and other open spaces could be created to create a community the City can be proud.

Mr. Tolman confirmed Commissioner Brockbank's observation that some parcels have higher densities attributable to them than others. He next noted that the new plan incorporated different aspects from the original plan. Originally, Noell Nelson Drive was 33 feet farther to the east. When it was moved to the west and the collector was relocated, the developer opted to purchase the Union Pacific property to compensate for the change in the road location. It is similar to what was originally in place. With regard to the townhomes in the original plan, that product type was replaced with 27 lots that are 45' X 90' in size that will have single-family residences to be built by Alpine Homes.

Chair Peterson noted that 1000 West, running from Noell Nelson Drive to 14600 South, will traverse the property belonging to Dave Newman. He asked how and by whom that road will be installed. Mr. Tolman explained that those details are being worked out with the City. The Newmans have been, at times, challenging to deal with, so he was not sure how all of that is going to play out. There will be a temporary access that ER Development will be responsible for paving until Noell Nelson Drive is completed. ER Development has thus far secured most of the necessary agreements and easements to complete Noell Nelson Drive to 14600 South. Efforts were still underway to secure an agreement from the Newmans to complete the roadway. The original plan shows a complete road if the Newmans sign off on ER Development's plan. The alternate plan will call for a cul-de-sac. He was hopeful that the Newmans, who own about 20 acres, will be amenable

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to the plan because they stand to gain a great deal with the improvements to be made to their property.

Mr. Tolman reviewed the open space incorporated into the original plan and compared it to the new plan. The original plan provided 2.3 acres of active open space. With the addition of the Union Pacific project, the active open space will increase to 3.6 acres.

Mr. Tolman addressed ER Development's rationale for what it has done. First, the collector road that runs through the area is 66 feet wide with a trail on one side and a park strip on the other. ER Development opted to enhance the area by adding 12.5 feet on each side of the road to give it a more park-like feel. Collectors do not have homes that front them because they are designed to keep traffic moving. Therefore, there is no parking on the collector and no direct access to homes from the collector. Since the developer has added property to a 10-foot trail, they will dedicate the land to the City with the expectation that the City will maintain it.

In response to Chair Peterson's question regarding the product type that will run along the collector, Mr. Tolman indicated that they will be townhomes. The townhomes will have alleys to the south. He also clarified that even though the townhomes may face the collector, they will not be accessed directly from the collector. Additionally, the developer will have added a 12.5-foot buffer between the townhomes and the collector and no parking will be allowed on the collector. The Master Association will maintain the areas that front the collector and the entry monument.

In response to Commissioner Brockbank's question regarding the traffic control approach that will be used at the streets that connect to the collector, Mr. Tolman stated that they will have stop signs.

Mr. Tolman reviewed the parks planned for the area along with their functions and amenities. He commented that there are plans to create beautiful aesthetic features for the area.

Mr. Tolman reviewed the parking plan and stated that the parks will have some parking spaces dedicated to them. He also noted that they will be regional parks and that ER Development would like to see the trail run along the collector. He justified the small lots by stating that the target market consists of people who spend their lives working on their computers and using the trails for recreation.

In response to Commissioner Pavlakis' question regarding the inclusion of playground areas in the parks, Mr. Tolman responded in the affirmative and identified where they will be located.

Mr. Tolman next pointed out the location of the trail system and the enhancements planned around the trails. He explained that this trail will be for pedestrians only and the bike path will run along the collector.

Mr. Tolman indicated that there will be color in many of the areas, as well as the benches. The fencing for the single-family lots will not include vinyl fencing. He reviewed the other enhancements planned for the area. Mr. Tolman pointed out where the secondary access will be located. The primary access will be off of Freedom Point Way.

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Mr. Tolman next reviewed the snow removal plan and acknowledged that snow is a challenge that requires a well-designed plan. Many of the areas will be combined. In connection with the snow removal plan, Commissioner Pavlakis asked Mr. Tolman to review where the street parking will be available. Mr. Tolman stated that ER Development has learned some lessons from what they have observed at the DAI project. When there is high density, parking cannot be allowed on the collector and on-street parking needs to be limited to one side of the road to enhance pedestrian safety and allow access for emergency vehicles. Mr. Tolman reviewed on the Parking Plan where parking is allowed and where it is prohibited. The Master Association will be responsible for parking enforcement.

With regard to how snow removal and on-street parking interface with each other, Mr. Tolman indicated that snow removal occurs where parking is not allowed. Where no parking is allowed, the curbs will be painted red and there will be signage. Mr. Tolman reminded the Commissioners that all of the homes will have two-car garages and some have 20-foot minimums for driveways. There is also off-street parking for the townhomes. In addition, the private streets are wider than the public streets. Commissioner Pavlakis reiterated her concerns about snow removal. Mr. Tolman clarified that the removed snow is stored off the street.

Steve McCutchan, of Sandy, explained that the large snow removal area is to accommodate most of the parking that will come off of the collector. The other areas are for snow that needs to be pushed off to the side. There is a space at the end of the larger parking lot to accommodate the snow storage. Mr. Tolman reiterated that whoever gets the contract to remove the snow will not push it onto public roads.

Commissioner Brockbank next inquired about the drainage plan. The plan shows the grade lines and where the drainage will flow and collect. Commissioner Pavlakis asked about the drainage in the area where there are steep grades.

Robert Elder from Ensign Engineering in Sandy, identified the location of the property line where there is a steep hill. If the Newmans are amenable, the grading will be flattened out where the road is, thereby mitigating the drainage issues. If an alternate plan becomes necessary, a retaining wall will be needed. Mr. Crowell confirmed that a drainage plan will be necessary in the site plan.

In response to Chair Peterson's question regarding the canal that runs along the railroad tracks, Mr. Tolman stated that it runs along the east side of the tracks. The canal will not be covered or filled in because it will be outside of the property to be developed.

Commissioner Brockbank asked if any study has been conducted on the saturation point of condominiums. Mr. Tolman responded in the negative and stated that they have focused on price points and structure rates of projects in the area. In addition, they have looked at what DR Horton has done on their side. Their biggest concern was that interest rates are artificially low. There was some question about what will happen when they go back to normal. Townhomes and small lots will provide the most affordable option for those on tight budgets. In addition, many people don't worry about yard maintenance. The townhomes in the proposed project are three stories.

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

Commissioner Brockbank stated that his concerns were addressed adequately. He expressed his support for the project. His primary concern was what Bluffdale's responsibilities are with respect to the issues he identified.

Commissioner Nielsen was comfortable with the proposal and found it to be consistent with the Bland project.

Commissioner Pavlakis liked the proposed layout better than the original plan. Most of her concerns were addressed.

Chair Peterson's first reaction at Daybreak was shock at all of the on-street parking. He later realized that the people seem happy with their situation. He was curious to see how snow removal occurs. He remarked that things are different now and many people no longer want a sprawling lot with horses. He thought it was nice to have this type of product option for people who might be interested in living in Bluffdale.

With regard to agenda item number 5, Commissioner Nielsen moved to forward a positive recommendation to the City Council for the Aclaime at Independence Westgate Project Plan, Application 2014-25, subject to the following:

Conditions:

- 1. That this recommendation is based on the August 29, 2014, Aclaime at Independence Westgate Project Plan and Design Guidelines.**
- 2. That the final ownership of parks, trailways and adjacent landscaped area (public or private) is determined during the plat approval process consistent with the minimum required park area and the Project Plan, along with any approved park completion schedule adopted with the development agreement.**
- 3. That the City shall only be responsible for parkstrip maintenance when the parkstrip area directly abuts an approved public park.**
- 4. That secondary access is required pursuant to the City's ordinances and shall meet all City standards and provide all necessary easements from all applicable property owners.**
- 5. That the Master Developer for the Aclaime at Independence Westgate project is responsible to provide financial assurance for one-half of the cost of the planned extension of the Westgate Collector over the East Jordan canal to the southwest and that this requirement is included in the Master Development Agreement for Westgate and applicable plat improvement financial assurance.**

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6. That any existing access to the Water Conservancy parcel in the southwest is preserved and demonstrated during the plat approval process.
7. That the project follows all applicable City ordinances throughout platting and development.

Findings:

1. That this application conforms with the original context and intent of the original Independence at Bluffdale Project Plan, to extent practicable, and the requirements of the Mixed Use zone.
2. That the proposed changes are necessary to incorporate market changes and more specific engineering analysis that have occurred since the original approval of the Independence at Bluffdale Master Planned Community.
3. That this revised Project Plan will facilitate planning and construction of Noel Nelson Drive.
4. That the proposed plan 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: Brandon Nielsen-Aye; Von Brockbank-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed unanimously. Johnny Loumis, Jr. was not present for the vote.

With regard to agenda item number 4, Connie Pavlakis moved to forward a positive recommendation to the City Council on the Union Pacific/ER Development Zoning Amendment, Application 2014-37, based on the following:

Findings:

1. That the area warrants change due to its unique and isolated position adjacent to the Independence development project and the Union Pacific Railroad.
2. That the proposal conforms to the recommendations of the Land Use Map of the General Plan.
3. That no project plan or subdivision approval is granted as part of this zone change application.
4. The proposed changes will not be detrimental to the health, safety, or general welfare of persons or property within the area.

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Von Brockbank seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Von Brockbank-Aye; Brandon Nielsen-Aye; Brad Peterson-Aye. The motion passed unanimously. Johnny Loumis, Jr. was not present for the vote.

6. City Council Report.

Mayor Timothy indicated that the City Council was considering switching the Planning Commission Meetings to the second and fourth Tuesdays of each month and City Council Meetings to the first and third Tuesdays. No official decision had yet been made.

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

There was no Planning Commission Business.

8. Adjournment.

The Planning Commission Meeting adjourned at 9:10 p.m.



Gai Herbert
Community Development Secretary

Approved: October 7, 2014