



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

October 21, 2014

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, October 21, 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 October 7, 2014 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on amending portions of 11-9C, 11-10 A, 11-10 B, 11-10C, and 11-11A of the Bluffdale City Code to clarify public and private frontage requirements for developing parcels within various commercial and industrial zones. Bluffdale City, application.
5. Discussion on amending portions of 11-16-19 and 12-5-3 of the Bluffdale City Code, along with related definitions and provisions to modify requirements for developing on private rights of way. Bluffdale City, applicant (continued from the September 16, 2014 and October 7, 2014 meetings)
6. Discussion of proposed changes to the permitted and conditional use lists for non-residential zones.
7. City Council Report.
8. Planning Commission business (planning session for upcoming items, follow up, etc.).
9. Adjournment.

Dated: October 15, 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: **Connie Pavlakis, Vice Chair**
 Von Brockbank
 Johnny Loumis, Jr.

Others: **Grant Crowell, City Planner/Economic Development Director**
 Alan Peters, Associate Planner
 Jennifer Robison, Associate Planner
 Gai Herbert, Community Development Secretary

Excused: **Brad Peterson**
 Brandon Nielsen
 Kory Luker

BUSINESS MEETING

In the absence of Chair Brad Peterson, Vice Chair Connie Pavlakis called the meeting to order at 7:00 p.m.

1. Invocation and Pledge.

Johnny Loumis, Jr., offered the Invocation.

Von Brockbank led the Pledge of Allegiance.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from October 7, 2014, Meeting of the Planning Commission.

Von Brockbank moved to approve the minutes from the October 7, 2014, Meeting of the Planning Commission as they stand. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Von Brockbank-Aye; Johnny Loumis, Jr.-Aye. The motion passed unanimously.

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4. PUBLIC HEARING: Consideration and Vote on Amending Portions of 11-9C, 11-10A, 11-10B, 11-10C, and 11-11A of the Bluffdale City Code to Clarify Public and Private Frontage Requirements for Developing Parcels within Various Commercial and Industrial Zones – Bluffdale City, Applicant.

City Planner/Economic Development Director, Grant Crowell, presented the staff report and explained that the catalyst for the proposal was that there is an industrial project underway in Bluffdale where the developers hope to develop a subdivision. The Heavy Industrial Zone (I-2) and the Light Industrial Zone (I-1) requirement states that all parcels need to abut a public street. That is not possible when the parcel is 1,000 feet long, only has a private driveway in the middle, and seven buildings that the developer wants to create parcels for. Staff visited with the City Council about the idea of proposing text changes and was authorized to initiate the text changes.

Mr. Crowell noted that some parcels were created where the frontage requirements were not met. He reviewed a chart of the existing code and noted that of the 19 zones, only five don't already allow flexible frontage requirements with private roads. Mr. Crowell explained that implementing the proposed changes will facilitate economic development in the City. The proposed changes will not affect any of the subdivision or site plan ordinances, building codes, or fire codes.

Vice Chair Pavlakis studied the General Commercial Zone and noted that there was no frontage requirement. Mr. Crowell confirmed that it refers to frontage to a road. He clarified that when a parcel is created, it is typically required to have a certain width on a certain facility. There are existing zones for which there is not a minimum requirement for widths, such as in the GC Zone. Mr. Crowell explained that the developers of parcels in the GC Zone tend to self-police because if the parcel isn't large enough to accommodate the needs of the facility, it won't sell. Site plan requirements also address access to the parcel. Therefore, he did not believe that lot sizes are necessary in commercial projects. In response to Vice Chair Pavlakis' question about whether there should be requirements for lots in GC Zones, Mr. Crowell did not see the need for minimum lot sizes in that zone.

It appeared to Commissioner Brockbank that the proposal seeks to create a requirement, instead of a public street, to allow a private street to meet the frontage requirements. Mr. Crowell concurred with Commissioner Brockbank's assessment. He cited examples of where private roads are satisfying the frontage requirements. He did not believe there was a safety issue. In response to Vice Chair Pavlakis' assumption that the changes would apply to areas frequented by industrial traffic and not general patrons, Mr. Crowell stated that the text changes only address industrial and commercial zones. Patrons, however, might still have a reason to visit the industrial or commercial facility.

Vice Chair Pavlakis opened the public hearing. There were no public comments. Vice Chair Pavlakis closed the public hearing.

Johnny Loumis, Jr., moved to forward a positive recommendation to the City Council on the Private Rights-of-Way Land Use Ordinance Amendments, Application 2014-40, based on the following:

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Findings:

1. **The Bluffdale City General Plan recommends development of flexible land use ordinances to help facilitate the development of unique properties.**
2. **This proposal promotes economic development options.**
3. **The proposed text changes will not be detrimental to the health, safety, or general welfare of persons or property within the community.**

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

5. **Discussion on Amending Portions of 11-16-19 and 12-5-3 of the Bluffdale City Code, along with Related Definitions and Provisions to Modify Requirements for Developing on Private Rights-of-Way – Bluffdale City, Applicant (continued from the September 16, 2014, and October 7, 2014, Meetings).**

Vice Chair Pavlakis noted that since the last Planning Commission Meeting, she met with Mr. Crowell who addressed her concerns and questions. Mr. Crowell presented the staff report and noted that he had very little new information to present. He first addressed Vice Chair Pavlakis' recommendation that private rights-of-way involve an exception process. Mr. Crowell stated that the City Attorney's preference was that if the City is going to have a process for exceptions, there should be a set of rules the City should follow. Mr. Crowell indicated that a variety of options were discussed. For example, the question was raised as to whether the City should keep it inside the existing shared driveway code or have the policy at all. Mr. Crowell noted that at the last meeting they began reviewing the proposed text amendments page-by-page, however, due to the lateness of the hour, the discussion was tabled. Vice Chair Pavlakis added that subsequent to that meeting, she reviewed the document with Mr. Crowell who addressed her questions and concerns.

Commissioner Loumis had not a chance to read the proposed text amendments but asked Mr. Crowell if the proposal addresses issues such as turnarounds and snow removal in areas such as private roads going to private drives near the prison. Mr. Crowell stated that the premise was that if a private road is proposed as part of a project, the existing City Codes already specify that the developers need to address ownership and how the private roads will be maintained, easements that will be needed, turnarounds for the Fire Code, and parking. Snow removal was identified as a private issue. It was noted that snow cannot be removed from a private road and stored on a public road. It was noted that road widths will be addressed using a tiered approach depending on the number of lots.

It was noted that enforcement of parking regulations on private streets is a private responsibility and is not enforced by the City. Discussion ensued on street parking in various areas of the City. Mr. Crowell believed it was better to have clear specifications so that people don't have to experience the hardship of going to the Board of Adjustment to have a proposal evaluated.

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The City Council needs to specify how they plan to exercise their legislative authority to determine whether a street will be public or private. On this point staff found itself in a quandary as to how to craft language to address this need since the City Council was not supportive of a “write-your-own zone” idea. Mr. Crowell stated that there are future projects where that approach may be necessary. He was open to the Planning Commission’s concerns and recommendations to address the issue.

In response to Commissioner Loumis’ question regarding November’s Planning Commission Meeting Schedule, Mr. Crowell stated that the only meeting will be on November 18. He remarked that he would be more comfortable discussing the issues in detail when more members of the Planning Commission are present.

Vice Chair Pavlakis reviewed through the document thoroughly and she was not comfortable with the notion of having to determine the necessity for a city street rather than a private street. She preferred to determine the need for private rights-of-way because the preference is for the City to have public streets. In addition, she had concerns about the width of the streets, particularly when one or more of the residents is hosting a large group. In those instances the streets become extremely congested when there is parking on both sides of the road. She urged foresight in addressing those types of issues. Vice Chair Pavlakis clarified that she likes the uniqueness of private rights-of-way, however, if too many homes are placed on a private right-of-way, there can be problems. Consequently, she believed the numbers allowed need to be re-evaluated in terms of the size of the parcel that would have a private right-of-way and the number of homes on the parcel.

With regard to signage, Vice Chair Pavlakis noted that it is addressed in the Fire Code if the Fire Chief thinks it is necessary. She noted that there have been problems with existing private rights-of-way, so care should be exercised to avoid creating more problem areas.

Mr. Crowell stated that at the next Planning Commission Meeting he would like to notice a public hearing so the issue can be decided.

In response to Vice Chair Pavlakis’ question about what was determined regarding multi-family units, Mr. Crowell stated that they are typically approved with the site plan. The City has two areas that include multi-family dwellings.

Vice Chair Pavlakis next referenced her question on the application of the setback requirements addressed in Section K. Mr. Crowell indicated that he could prepare a response for the next meeting. He emphasized that the Planning Commission needs to determine what they feel is safe as they make decisions regarding private lanes. He recommended they determine a threshold and the criteria for a public road.

Vice Chair Pavlakis opened the meeting to public comment.

Ken Milne gave his address as 13037 South Galloway Cove, in Riverton and stated that the road he lives on is private, is 20 feet wide, and has six homes on it. He remarked that there is a need for private roads in every city. There are many private roads in Holladay where he lived previously.

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The roads, however, need to be maintained by the residents. One challenge he observed was that when residents want a city to take over their private road, the city has the prerogative to deny the request and leave the burden on the residents. This creates two potential problems. First, in many cases the residents cannot afford to maintain the road. Second, the road is not built to City standards. He believed, however, that those situations are rare. He commented that his greatest success as a developer had been with higher-end gated communities with restrictive covenants on the size of the home. In those cases, residents want their road to remain private. Public utilities can also be a challenge.

In response to Commissioner Loumis' question regarding parking problems, Mr. Milne stated that the only problem he has experienced with parking on private streets is when someone has a large gathering. He believed that if private roads are built to City standards, a fire truck can get access even if there is on-street parking. He preferred private roads that are built to City standards. In addition, those who own large lots have lawn equipment, including tractors for snow removal.

In response to a question raised by Vice Chair Pavlakis, Mr. Milne confirmed that the residents of his neighborhood have animal rights. He noted that he has horses on his property.

Mr. Milne expressed his support for private roads and discussed the cost of maintenance. He reported that in the 12 years he has lived in his current home, the expense to each residence has been \$500 for a slurry seal. If a private road is used to serve homes that cost \$250,000 to \$300,000, the residents will have a difficult time maintaining the road. Larger lots with strict CC&Rs require larger homes and the owners must have the means to maintain the private road. Mr. Milne was working with Mr. Crowell and City staff to develop a private gated community, similar to the Highlands of River Bend, which he developed in Riverton.

In response to Commissioner Brockbank's question regarding the security of a private road, Mr. Milne stated that in one subdivision he developed, he deliberately left the gates open at the request of the residents who did not want to separate themselves from the rest of the neighborhood or give a feeling of superiority. However, when he developed the Highlands of River Bend, the residents wanted the gates closed for privacy and security. Commissioner Brockbank believed that gated communities create small areas within the larger neighborhood. Consequently, he was concerned that private driveways will promote the feeling among the residents that they live on a private road and are not part of the City. Mr. Milne noted that in the year 2000, a member of Riverton's Planning Commission denied his request for a private road in a subdivision for that very reason.

Commissioner Brockbank next indicated that another of his concerns was parking on private roads because the City cannot enforce it. Mr. Milne reiterated that if private roads are built to City standards, the parking problem will be alleviated. He would not want to see high-density on private roads. When he develops property he ensures that it will have high quality homes to avoid devaluing surrounding properties. Commissioner Brockbank felt that a decision needs to be made when more Planning Commission Members are present.

Vice Chair Pavlakis closed the discussion on the agenda item.

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6. Discussion of Proposed Changes to the Permitted and Conditional Use Lists for Non-Residential Zones.

Associate Planner, Alan Peters, presented the staff report and explained that the discussion was precipitated by a request from the City Council to examine uses in the Commercial Zone. Mr. Peters reviewed the current and proposed tables addressing all non-residential zones in the City. The tables specify whether the use in each zone is permitted or conditional. The proposed table identifies accessory uses. Mr. Peters stated that staff receives numerous requests and the chart specifies whether the requested use is permitted or conditional. One of the issues with the table is that many of the uses are competitive, such as restaurants. The proposal was intended to simplify the table. Also missing was a list of definitions. The definition of “manufacturing” was simplified to “general manufacturing” and “limited manufacturing”.

Some of the language was taken from areas that are already in the City Code. Mr. Peters indicated that as he has streamlined the uses he has tried to determine how the list can be simplified and be more consistent. Since the City currently doesn't have a huge commercial district it doesn't make sense to be overly specific or restrictive with respect to the types of businesses that are allowed in a Commercial Zone. The use and definitions tables would allow better decision making in terms of determining whether a proposed use would be compatible in a zone. He indicated that staff would like to see the tables included in the City's Zoning Ordinance.

Vice Chair Pavlakis noted that distinguishing between loan centers and banks/financial institutions could create confusion, particularly if there is a mortgage business. Mr. Peters explained that banks provide additional financial services beyond what a loan center provides. The terms and definitions need to be clear and include mortgage businesses as well. The overall intent was not to implement numerous changes but instead to add clarity to the uses and their definitions.

Mr. Peters asked for feedback from the Planning Commission on issues with the uses and definitions. In response to a question raised by Vice Chair Pavlakis, Mr. Peters stated that he did not go through the Bluffdale business directory when preparing the list. He explained that the list would be extensive, especially with home occupations, which are not included. He added that Neighborhood Commercial (NC) does not apply to home occupations. Mr. Peters clarified that the table provided in the staff report pertains only to commercial and industrial zones and not residential zones.

Vice Chair Pavlakis approved of the tables and complimented Mr. Peters on his work. She liked the simplicity and clarity included in the tables. Mr. Crowell noted that staff deals frequently with business license renewals. As a result, a table like this one, along with the definitions, will greatly simplify decisions staff makes on a daily basis. Commissioner Loumis added that the table will expedite the process as well. Vice Chair Pavlakis remarked that in the process of updating the business directory, it would be beneficial for businesses to categorize themselves using the definitions provided. Mr. Peters indicated that he frequently approves business licenses and selects an appropriate designation for them. He hoped the table would make that process more clear and consistent.

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In response to a statement made by Vice Chair Pavlakis, Mr. Peters clarified that the table would not affect the actual CUP process. He explained that the proposed table consolidates what already exists. Mr. Crowell added that this is an effort to clarify everything at staff level. If an individual expresses a desire to use a piece of property for a specific purpose, staff can specify that it is a conditional use and approval from the Planning Commission will be required. Staff can approve permitted uses; however, if the use requires a site plan, it goes through a different process. Mr. Crowell indicated that from a Zoning Administrator's perspective, having set definitions in place is very helpful. They will be in one place to further simplify the process.

Mr. Peters indicated that this has been an informal discussion. If the Planning Commissioners want to formalize the use and definition tables, they will be presented at the next Planning Commission Meeting. In the meantime, omissions or changes could be forwarded on to Mr. Peters.

Mr. Crowell added that the City's Alcohol Code is included in the Business Licensing Code. With regard to alcohol served in restaurants, Mr. Crowell noted that building a restaurant at a given location is a zoning issue. Alcohol licenses are regulated through the Alcohol Code.

In response to Vice Chair Pavlakis' question regarding a State Liquor Store, Mr. Peters stated that it would fall under General Retail. Mr. Crowell also indicated that State law specifies that state-owned property is exempt from local zoning control. Occasionally, however, the State leaves space for a package store. As a result, the City may want to determine how to address that issue. The State would not need local consent from the City for a liquor store. Commissioner Brockbank stated that there has been talk of privatizing the State Liquor Stores. If that occurs, the City would have more control, which would be a good reason to include liquor stores in the tables. Mr. Crowell indicated that if a restaurant that serves liquor were to locate in Bluffdale, the Planning Commission would review the site plan.

Mr. Peters next discussed the proposed position of the Zoning Administrator and the duties and functions the position would entail. The Zoning Administrator would interpret City Ordinance for a proposed use in a zone. He would also be responsible for determining whether the proposed use is permitted, conditional, or accessory. Mr. Crowell explained that the proposed tables would also make it easier to help people who want to appeal an administrative interpretation. He clarified that the position does not create new authority and simply clarifies and defines the role of the City in adjudicating requests from citizens and developers. It would be incumbent on the Zoning Administrator to seek legal advice from the City Attorney when there are situations that don't fit the Zoning and Use Table.

Vice Chair Pavlakis asked how the construction of model homes fits into Use Table. Mr. Crowell stated that the City already has a code for model homes and they would not fall under the proposed table. Mr. Crowell indicated that the Home Occupation Zone will be the most challenging to tackle if the City chooses to redo it. Complaints are received from time to time regarding home businesses, but the City has deliberately chosen to be flexible with the Home Occupation Code. Mr. Peters stated that there is no language dealing with a person maintaining a home office. Trucking businesses are intense and the City receives complaints about them on occasion as well.

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Commissioner Loumis thanked and complimented Mr. Peters for the outstanding job he has done with the tables and the Zoning Administrator job proposal. Vice Chair Pavlakis was very pleased with the simplicity of the tables in the City Ordinances.

7. City Council Report.

Mr. Crowell indicated that no one in the City is up for re-election this year. The City Council allocated Parks money in the budget for a Parks Plan. As a result, that process will begin within the next six months. There will be a City-wide survey to ascertain the wishes of the citizens. He hoped the City would garner a statistically significant sample size. Conservation Techniques, out of Portland, Oregon, will prepare the plan in collaboration with DPG Engineering who completed the Jordan River Parkway Trail. The survey will be administered by ETC, who has conducted numerous park surveys.

Vice Chair Pavlakis indicated that there has been lot of interest in a rec center. Mr. Crowell noted that people who want a rec center need to know that that type of facility is costly to build and maintain. The survey will need to reflect the City's fiscal realities. Mr. Crowell also noted that a Parks Advisory Group is being organized.

The discussion next turned to a conditional use permit approved by the Planning Commission with the access condition that the applicant found acceptable. The applicant was also asking for more clarity on lighting. The City Council would be hearing an appeal on Wednesday, October 29. In response to Vice Chair Pavlakis' question regarding the City Council's next steps, Mr. Crowell stated that the City Council has the appeal authority and can gather additional evidence, as needed. They can reaffirm the conditional use permit or modify it. Mr. Peters explained that the public notice indicated that it will be an evidentiary hearing. As a result, all of the stakeholders are aware of the appeal. Mr. Crowell explained that the City Council will determine how to conduct the appeal. He anticipated that they will be open to receiving public comment.

Vice Chair Pavlakis indicated that the minutes did not include findings, however, Mr. Peters stated that the finding for the access was stated in the site plan motion as finding number 3 for condition number 3. Mr. Peters listened to the recording and found the minutes to be consistent with the audio. Commissioner Brockbank asked for clarification about whether the appeal will be based on the minutes. Mr. Peters stated that it will. He indicated that the minutes were approved and a copy provided to the applicant. Mr. Crowell added that the morning after the Planning Commission Meeting, he asked Messrs. Crowell and Peters to listen to the recording and write the motion verbatim. They relayed to City Attorney, Vaughn Pickell, what was on the recording and told him what they were planning to write in the approval letter. Mr. Pickell directed Mr. Crowell not to paraphrase but to instead use the exact language on the recording.

Mr. Crowell explained that Associate Planner, Jennifer Robison, asked him to remind the Planning Commissioners that the Complete Streets Project still needs to be discussed by the Planning Commission and City Council.

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Commissioner Brockbank addressed the appeal hearing and asked for clarification on the process. Mr. Crowell stated that the City Council will have all of the information that was available to the Planning Commission, including the staff report and minutes. The City Council will gather as much information as necessary to make an informed decision.

Vice Chair Pavlakis referenced finding number 3 on page 19 of the minutes and noted that there had been a discussion with Commissioner Nielsen prior to the finding being made. Mr. Peters confirmed that there was a lot of discussion regarding the concern articulated by finding number 3. Vice Chair Pavlakis had a concern with use of the term "direct access" as opposed to "straight approach into their driveway." So she questioned whether the minutes express the finding as it was intended. Mr. Peters stated that the applicant making the appeal also has access to the recording and can review it. Mr. Peters stated that the clarification will be conveyed to the applicant.

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

Vice Chair Pavlakis stated that a date will be selected to discuss the Complete Streets Project.

9. Adjournment.

The Planning Commission Meeting adjourned at 8:41 p.m.


Gai Herbert
Community Development Secretary

Approved: _____ 11/18/2014 _____