



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

January 7, 2015

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, January 7, 2015**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

PLANNING COMMISSION BUSINESS MEETING - 7:00 P.M.

1. Invocation and Pledge.*
2. Public comment (for non-public hearing items).
3. Approval of minutes from December 9, 2014 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a major home occupation permit in order to obtain permission to have several outside employees work in a home occupation location at 13944 South White Tail Cove. John and Courtney Brown, Cents of Style, LLC, applicant.
5. City Council Report.
6. Planning Commission business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: January 5, 2015

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
Kory Luker
Johnny Loumis, Jr.
Connie Pavlakis

Others: Mayor Derk Timothy
Grant Crowell, City Planner/Economic Development Director
Alan Peters, Associate Planner
Anika Estioko, Code Enforcement Officer
Gai Herbert, Community Development Secretary

Note: Brandon Nielsen has resigned from the Planning Commission.

BUSINESS MEETING

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

1. Invocation and Pledge.

Dave Russell offered the Invocation. Chair Peterson led the Pledge of Allegiance.

2. Public Comment.

Johnny Loumis, Jr. gave his address as 14315 South Loumis Parkway and identified himself as the owner and operator of Spring View Farms. He stated that he still has approximately 30 acres that are undeveloped, but there will be a conservation easement, which he will be bringing to the City. On one of the parcels of his property there will be a church building. Mr. Loumis stated that he uses the South Jordan Canal irrigation that runs through the church property. The ditch needs to be maintained even though there will be a plat, which will come before the Planning Commission. He noted that he will use the ditch in perpetuity.

3. Approval of Minutes from the December 9, 2014, Meeting of the Planning Commission.

Von Brockbank moved to approve the minutes from the December 9, 2014, meeting of the Planning Commission, as amended. Connie Pavlakis seconded the motion. Vote on the motion: Von Brockbank-Aye; Connie Pavlakis-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed unanimously.

4. PUBLIC HEARING, Consideration, and Vote on a Major Home Occupation Permit in Order to Obtain Permission to Have Several Outside Employees Work in a Home Occupation Location at 13944 South White Tail Cove. John and Courtney Brown, Cents of Style, LLC, Applicants.

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Associate Planner, Alan Peters, presented the staff report and identified the location of the subject property on a map displayed. He explained that the proposed home occupation, Cents of Style, LLC, is an online business that sells women's fashion products. At this location, the owners receive all of the fashion accessories and have employees that process and ship out the products. The owners' intended use qualifies under City Ordinance as "mail order" or "direct sales distribution" as examples of home occupations that are permitted.

When the owners moved to Bluffdale last February, they applied for and received a home occupation permit. Since then, the business has grown to the point that they needed to hire additional employees. As a result, they need to upgrade to a major home occupation permit so that they can have more than one employee. The applicants were requesting approval for up to 10 employees to work from the home.

Mr. Peters referred the Commissioners to the anticipated daily schedule and number of employees provided in the staff report. Specifically, the owners anticipate that during regular business hours on Tuesdays and Thursdays, there will be six to 10 employees. On Mondays there will be six to eight employees. On Wednesdays and Fridays, if necessary, there could potentially be three to four employees. Mr. Peters clarified that the owners are not requesting approval for the home occupation but rather, permission to have more employees, not to exceed 10.

Mr. Peters next read an excerpt from the City Ordinance that specifies that Planning Commission approval is required if more than one employee works at the home. The applicants then must demonstrate that the additional employees will not conflict with the residential uses of the dwelling or the residential nature of the surrounding area.

Mr. Peters next reviewed a map identifying the locations of all home occupation permits in the City and reviewed pictures and diagrams of the subject property. The owners reside in the home and there is a separate detached structure from which the home occupation operates. The area where the three overhead doors are located is where the employees prepare packages for shipment. At the rear of the building there is a finished area with a kitchen, living area, bathrooms, and two offices. Mr. Peters and Chief Building Official, Del Swensen, visited the site to inspect the facility and ensure that it is up to code due to the nature of the activities taking place inside. Mr. Swensen felt it was important to enforce commercial building codes for this facility and he had no issues with what he observed. The building has three exits. Mr. Swensen planned to conduct a second inspection and if he sees that changes need to be made, issuance of the permit will be contingent upon completion of those changes.

Mr. Peters noted that the staff report identifies all of the home occupation requirements and indicates whether the applicants meet them. He highlighted several of the requirements. The first was that no alterations are allowed that detract from the residential character of the property. Mr. Peters confirmed that the owners are in compliance with that requirement. He noted that the back side of the property has been paved to provide additional parking. Next, the home occupation must be located in a detached structure. The owners were determined to be in compliance with that requirement. Additionally, traffic and other activities shall not be contrary to the intent of the zone in which the home occupation is located. Mr. Peters remarked that the owners are in compliance

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with that requirement as well. Furthermore, the number of patrons shall not be out of character with the zone. Mr. Peters noted that each employee will create additional traffic. That quantity will vary depending on the number of employees on duty any given day. In addition, there are parcel pick-ups and deliveries that need to be taken into consideration with the additional traffic that will be generated. Parcel trucks are in neighborhoods regularly already, so Mr. Peters did not consider them to be problematic.

Mr. Peters next shared a complaint staff received with regard to this home occupation application and large freight trucks delivering products to the business. The Code Enforcement Officer subsequently visited with the owners and informed them that City Code prohibits home occupations from receiving freight deliveries. Accordingly, the owners arranged for freight deliveries to their home to cease. The owners now lease a warehouse space off of 14600 South where freight deliveries are received. In response to Chair Peterson's question about ship-outs, Mr. Peters noted that freight trucks will not be used when the owners ship products from their home. It was noted the business hours are 9:00 a.m. to 6:00 p.m.

Mr. Peters reiterated that the request is to allow up to 10 employees. The City Ordinance does not limit the number of employees once the home occupation goes beyond one employee; however, the Planning Commission has discretionary authority to determine the reasonable maximum number of employees. Mr. Peters added that there is plenty of paved area to accommodate their off-street parking needs. In fact, the day Mr. Peters inspected the site, there were six employees there and he could not tell that any business activity was taking place on the site. Mr. Peters emphasized that there is ample parking, which is critical.

With regard to the issue of additional traffic generated, Mr. Peters pointed out that home occupations such as instructional studios, daycares, and preschools, which are allowed to have up to 12 students, have a traffic impact that would, at most, be comparable to what the applicants' would generate.

Mr. Peters showed a brief video about the owners' business and location which described the property and parking. He was impressed by how clean and well-maintained the property is. He concluded by stating that the recommendation of staff is for the Planning Commission to decide whether or not the applicants have demonstrated that the additional employees will not cause a conflict to the residential use or nature of the neighborhood. In addition, if the Planning Commission votes to approve the application, they can impose any necessary conditions that will need to be met by the applicant.

In response to Commissioner Pavlakis' question about the existence of machinery on the property, the owners responded in the negative.

Commissioner Luker asked if employees eat on site since the answer to that question would have a bearing on the traffic generated by the home occupation. Chair Peterson indicated that this question should be directed to the applicants.

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Commissioner Brockbank believed Mr. Peters had underestimated the amount of traffic generated by this home occupation. He noted that there is a dumpster that creates additional truck traffic. Furthermore, there is additional traffic generated by delivery trucks to the business. Mr. Peters acknowledged that his traffic estimates are based off of the employee numbers. He also stated that there is a commercial dumpster that is emptied once a week. The dumpster is visible, but there is nothing in the City Ordinance requiring it to be out of public view. The issue of pick-ups and deliveries was deferred to the applicants.

Chair Peterson opened the public hearing.

John Brown gave his address as 13944 South White Tail Cove and identified himself as one of the applicants and thanked those present for the public hearing. He noted that he and his family purchased the home in February 2014 and the previous owners ran a home-based business as well. One thing that attracted him and his wife was that the previous home occupation had a traffic level similar to what they expected at the time for their business. The past year, however, their sales surprised them by expanding by three times. One of the details they neglected to address was deliveries by freight trucks. Mr. Brown apologized to the neighbors that may have been affected. He personally reached out to each of his neighbors and apologized and advised them of the corrections made and the fact that a warehouse facility was leased.

In response to Chair Peterson's question regarding freight deliveries to the off-site location, Mr. Brown stated that the Lease Agreement was signed on December, 16, 2014. There has not been a freight truck delivery since December 2, 2014. Code Enforcement Officer, Anika Estioko, visited the Browns on December 1, 2014, and advised them that City Code prohibits freight deliveries in residential areas. There was a pre-scheduled shipment on December 2, 2014, however. After that, the Browns issued the memo previously referenced and found an off-site warehouse facility.

Commissioner Brockbank clarified to Mr. Brown that he and his wife already have a home occupation permit and the question was whether to allow more than one employee on-site and how to mitigate the potential impact on the neighborhood. Mr. Brown noted that Mr. Peters had been very clear and emphasized that he and his wife want to be good neighbors.

In response to Commissioner Luker's question regarding where employees eat, Mr. Brown stated that the majority eat on site. There is a refrigerator in the building and the employees have soft drinks available to them.

In response a question raised by Commissioner Loumis', Mr. Brown stated that the hours of operation are 9:00 a.m. to 6:00 p.m. He added that those hours will not be modified. In addition, the start and finish times of the employees are staggered so that there is not an influx of traffic at the beginning or end of the business day. All of the employees are working mothers and drive decent cars. They park behind the detached garage and there are not many cars visible from the street. Commissioner Loumis expressed concern over the ability of the cars to exit in the event of an emergency. Mr. Brown stated that the main priority has been to keep the cars out of the public view, however, there is a great deal of driveway space for parking, if needed.

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Commissioner Brockbank asked where delivery trucks pick up and drop off shipments. Mr. Brown stated that the UPS driver typically comes between 9:00 a.m. and 10:00 a.m., backs into the driveway, and parks in front of the overhead doors.

Chair Peterson noted that the Browns experienced a 300% growth in business volume and asked how they will deal with future growth. Mr. Brown stated that he resigned from his previous job in October 2014 to help manage the business. He anticipates that any additional growth will be managed at their off-site warehouse. Thus, any business growth that necessitates more than the allowed number of employees will be handled at the off-site facility. Mr. Brown assured the Planning Commission that if they have more than 10 employees they will never allow more than 10 at the home. He noted that the commercial space is three times larger than the home.

In response to Chair Pavlakis' question about how product delivered to the warehouse is shipped out, Mr. Brown stated that it is shipped from the warehouse rather than from the home. He clarified that shoes are the main product delivered via freight trucks and they go to the warehouse facility and shipped out from there.

Courtney Brown gave her address as 13944 South White Tail Cove and identified herself as the other applicant. Mrs. Brown stated that she started Cents of Style eight years ago as a stay-at-home mom. It has grown to the point that it is now her family's livelihood. The business employs all women, with the exception of her husband. She and her family moved from West Jordan to Bluffdale because they were told that Bluffdale has a very friendly home business atmosphere. She urged the Planning Commission to favorably consider their request.

Sonny Mortensen gave his address as 13950 South White Tail Cove and identified himself as the Browns' neighbor. He believed more than 10 people had been working at the Browns' home and noted that there have been more than 10 cars in front. He added that there are numerous truck deliveries all while there are small children playing outside. He also reported that there are cars constantly coming to the Browns' home. He considered the business to be a nuisance in a residential area. When the previous homeowner operated his business there, the traffic generated was minimal.

Mr. Brown apologized for the freight trucks and acknowledged that there have been more people there as they have moved and gotten adjusted. He and his wife are anxious to get approval and know how many employees they can have at the home.

Chair Peterson noted that Mr. Mortensen asserted that there have been more than 10 employees on the site and asked Mr. Brown to respond to it. Mr. Brown responded in the negative and stated that seasonally there may be a few more people who carpool so as to not create more traffic. The people who helped the Browns move to their warehouse facility on January 2, 2015 were in addition to the 10 employees.

Dean Compher gave his address as 13922 South Elk Hill Court and identified himself as one of the residents who lives within 1,000 feet of the subject property. He urged the Planning Commission not to approve 10 employees. This felt that a business of this scale belongs in a commercial district.

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If the business is approved with 10 employees, he was concerned that others will make similar requests, which creates the potential for a significant increase in traffic. He was aware of a daycare that allowed only six children but created a noticeable increase in traffic. He also commented that drivers from outside the neighborhood don't care about the neighborhood residents.

Michael Wardle gave his address as 13943 South Elk Hill Court, and identified himself as a 19-year resident. He reiterated that this is a very quiet residential area. He acknowledged that there are many home occupations in the area; however, in the 19 years he has lived in the neighborhood, he has never seen a business that draws as much traffic as the Browns' business does. Mr. Wardle shared his belief that as the Planning Commission considers the Browns' application, some restrictions need to be placed on the number of employees the Browns can have come to their home. He also opined that Mr. Peters' traffic estimate is a bit off. It was reported that the truck issue was addressed. He had seen 10-wheel trucks that exceed Bluffdale's maximum weight limit and he had seen them destroy some of the neighbors' trees. The garbage truck that comes once a week is extremely loud and can be heard throughout the neighborhood. His main concern was the restriction on the number of employees. Mr. Wardle acknowledged that Mr. Brown recently visited him in his home about what they want to do. Mr. Wardle stated that the business is a convenience for the Browns but an inconvenience for the rest of the neighborhood. Mr. Wardle urged the Planning Commission to deny the request.

David Russell gave his address as 13913 South Elk Hills Court and reported that he was a member of the Planning and Zoning Commission from 1996 to 2002. He and Commissioner Loumis participated in the original major home occupation permit application for a residence. From his perspective of having been a Planning Commission Member, Mr. Russell stated that he believes the Browns have been remarkably compliant in wanting to do what is right. The upper bounds for a major home occupation is 10 employees and he has confidence that when the Browns reach that level, they will move to their warehouse facility. Mr. Russell urged the Planning Commission to consider the Browns' application and hold them to the letter of the ordinance. They are progressive employers and want to do the right thing. They value people and their lifestyle. He saw no difference between the Browns' business and the business that previously operated from the residence. He urged the Planning Commission to approve the Browns' application.

Tinaya Lloyd gave her address as 7833 Saddleback Drive, in Eagle Mountain, and identified herself as an employee of the Browns. She expressed her appreciation to the Browns and the business they have created. All of the employees are stay-at-home moms who want to make extra money. No one works full-time at the facility and they have done all they can to make the neighbors happy. She objected to the earlier assertion that the employees don't care about the neighborhood. She and her fellow employees all care about the business. She urged the Planning Commission to favorably consider the Browns' application.

Barbara Harper gave her address as 13899 South Redberry Fox Cove and vouched for the Browns' character. She stated that they have made a major investment in their property and the Browns are conscientious people who have addressed the problems identified. Growth and cash flow are significant to businesses and have to be managed. If the business continues to grow, they will have to move, so the home occupation may only be temporary. She didn't believe it was fair or legal to