



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

July 1, 2015

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, July 1, 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

1. Public comment (for non-public hearing items).
2. Approval of minutes from June 17, 2015 meeting of the Planning Commission.
3. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a proposed amendment to portions of Chapter 11-2 and 11-22 of the Bluffdale City Code in order to revise regulations for outdoor advertising structures (billboards). Windy Cooke and Butch Baker, applicants.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a proposed plat amendment for Kailye Anne Amended Subdivision in order to create a new 1.0 acre residential lot at approximately 13800 S Kailye Lane Dan Capel, applicant.
5. City Council Report.
6. Planning Commission business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: June 24, 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.

**BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015**

Present:

Members: James Wingate
Kory Luker
Johnny Loumis, Jr.
Von Brockbank

Excused: Brad Peterson
Connie Pavlakis

Others: Alan Peters, Associate City Planner
Gai Herbert, Community Development Assistant

BUSINESS MEETING

In the absence of Chair Brad Peterson, Commissioner Wingate called the meeting to order at 7:03 p.m.

1. Invocation and Pledge.

Dennis Eyre offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the June 17, 2015, Meeting of the Planning Commission.

Kory Luker moved to approve the minutes from the June 3, 2015, meeting of the Planning Commission, as amended. Johnny Loumis, Jr., seconded the motion. Vote on motion: Kory Luker-Aye; James Wingate-Aye; Von Brockbank-Aye; Johnny Loumis, Jr. The motion passed unanimously.

4. *WITHDRAWN AT REQUEST OF APPLICANT***PUBLIC HEARING, CONSIDERATION, AND VOTE on a Proposed Amendment to Portions of Chapter 11-2 and 11-22 of the Bluffdale City Code in Order to Revise Regulations for Outdoor Advertising Structures (Billboards). Windy Cooke and Butch Baker, Applicants.**

5. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Proposed Plat Amendment for Kailye Anne Amended Subdivision in Order to Create a New 1.0-Acre Residential Lot at Approximately 13800 South Kailye Lane, Dan Capel, Applicant.

Associate Planner, Alan Peters, presented the staff report and identified the location of the subject property on an aerial photograph. He stated that there are two lots affected by the application. One parcel is 1.77 acres and is owned by Dan Capel. It is the west piece of property that runs along and

BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015

is accessed by Kailye Lane. The east parcel is 2.43 acres in size and is accessed by 13800 South. It is owned by Dennis Eyre. The two lots are currently in two separate subdivisions. The western lot is in the Kailye Anne subdivision. There is also a one-lot subdivision called Mangum Acres.

Mr. Peters next showed the current configuration of the two lots and the proposed configuration of the acreage to create three lots out of two. Mr. Eyre's property would be reduced to 2.18 acres. He plans to sell .25 acre to Mr. Capel so that Mr. Capel's property can extend back to have 1.2 acres. The new lot would be one acre in size. Mr. Peters acknowledged that there are some complications because the proposal takes from two subdivisions and puts them together into one. He next noted that there is an easement for a retention pond, which has a capacity of 8,200 cubic feet. The plat indicates that the pond must retain that capacity.

Mr. Peters stated that Mr. Eyre's property will largely remain the same and the frontage isn't being affected in any way. The only difference is that he loses .25 acre in the southwest corner of his property.

Mr. Peters next focused attention on the proposed Lot 2 because it has several encumbrances. First, the Jordan Valley Water Conservancy District has an easement that runs diagonally through all three pieces of property. Lot 2 also has an easement for the retention pond as previously mentioned. The retention pond is privately owned currently, but Bluffdale City has an easement to use it.

Mr. Peters explained that the plat amendment will retain the same pond at the same capacity but the actual easement will be reduced to fit the pond area because when the plat was created in 2007, the easement was much larger than it needed to be. That change will preserve a buildable area on the lot. The square footage of the buildable area is 6,459 square feet. That figure accounts for the 30-foot setback on the front of the lot, the 20-foot setback on the side, and a 20-foot buffer between the buildable area and the pond. The access to the proposed lot will be from Kailye Lane.

Mr. Peters stated that the three lots meet the City's minimum acreage requirements. However, there is one issue with road improvements. When the Kailye Anne subdivision was developed, improvements (curb, gutter, and sidewalk) were installed along 13800 South and Kailye Lane. However, when the property to the east was developed in 1993, improvements were not required. Instead, the developer entered into a Delay Agreement with the City, which allowed him to not put improvements in. The City, however, could call for the cost of installing the improvements at a later date. The Development Review Committee (DRC) met the previous week and determined that the Subdivision Ordinance requires that all improvements be in place with any new subdivision; therefore, the improvements along eastern end of 13800 South, consisting of 163 feet, would have to be put in place. The developers hoped that decision would be reconsidered by the Planning Commission and the City Council.

Commissioner Wingate asked if it was permissible for the structure to be built flush with the Jordan Valley easement. Mr. Peters stated that the owner could build right up to the edge of the easement. Discussion ensued on the potential risks of building a structure too close to the easement line.

BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015

Commissioner Loumis next sought to clarify the details of property ownership and proposed uses for the property. Inasmuch as Mr. Eyre plans to sell property to Mr. Capel, Commissioner Loumis suggested he include in his selling price the cost of improvements to his property along 13800 South. Mr. Peters stated that the City isn't planning on improving that road at this time, so the City would not call on the property owner to install the improvements. However, because a new subdivision is being proposed, the DRC has said that the improvements need to be installed as part of the subdivision. Mr. Peters acknowledged that it's a delicate situation because he doesn't know who would be responsible for paying for the improvements. Ultimately, the City Council will make the decision on the improvements.

Commissioner Brockbank stated that the subdivision requires improvements, so if the Planning Commission doesn't require improvements, they are essentially not complying with the City's Subdivision Ordinance. The City Council can delay that requirement, however. Commissioner Brockbank next asked if the owner of the property with the retention pond would be able to use the retention pond for recreational purposes as part of their yard. Mr. Peters stated that the owner could utilize it but they would not be able to build on the property included in the easement. Any alterations to the landscaping would require coordination with the City.

In response to Commissioner Loumis' question regarding maintenance of the pond, Mr. Peters stated that it is the City's responsibility, but he was not aware of any maintenance that has been performed. The retention pond serves as the drainage point for the homes along Kailye Lane. Commissioner Brockbank next asked when the pond last had water in it. Mr. Peters did not know the answer to that question. Since it has probably been years since the pond had water in it, Commissioner Brockbank wondered if it could be added to the lot to be landscaped. Mr. Peters stated that the Planning Commission could recommend that the future owner of the property coordinate with the City to improve the landscaping on that part of the property. Commissioner Brockbank's primary concern was that the other lots would be large enough to have a yard and some landscaping, so he would like to see what could be done about the landscaping for this lot.

Commissioner Wingate opened the public hearing.

Dennis Eyre gave his address as 3155 West 13800 South. Mr. Eyre stated that the retention pond is currently full and overflowing and watering his fruit trees. He clarified that it is not a retention pond for the subdivision, even though it may appear that way on paper. The water in the pond is excess irrigation water coming off of an alfalfa field owned by Henry Lems, across the street to the south. It runs along the street gutter and empties into a graded culvert. It was noted that that information indicates that a violation of the City's Storm Water Ordinance is taking place. Property owners are responsible for taking care of excess irrigation within the boundaries of their own property. Commissioner Brockbank noted that for years, before the property was developed, that runoff has been taking place and has not been deemed a problem.

Mr. Eyre next stated that there is a large hole to the east of his property that belongs to the Church of the Everlasting Blinding Light Discount House that just sits there. It attracts animals, and nothing else. However, in talking with their engineer, he learned that they were planning to put a

BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015

large pipe out of the street and pick up water to irrigate the church's property. Commissioner Brockbank stated that such an option would require a drainage plan for the irrigation water.

Mr. Eyre next identified the locations of the culverts on the street and stated that the water from the alfalfa field stays in the retention pond for only a couple of days because it dissipates quickly. Discussion ensued on the concerns associated with the runoff water from the alfalfa field. Commissioner Loumis asked if the buildable property on that parcel would experience problems from the overflow occurring from the retention pond.

Commissioner Brockbank asked Mr. Eyre to address his feelings regarding the improvements that would be needed along his property on 13800 South. Mr. Eyre noted that on that property line there is a single dwelling. It is not a subdivision, but the owner calls it Mangum Acres. Commissioner Wingate confirmed with Mr. Eyre the areas where improvements have taken place and where they have not. He then noted that according to the letter of the law, anytime there is a change to a plat, improvements have to be completed. In the spirit of the law, Commissioner Wingate asked if it would make sense to require improvements for Mr. Eyre's section of the property when there would still be plenty of area along the street that is still unimproved. However, the delay has been going on for 22 years. Mr. Eyre did not know that the property was part of a Delay Agreement when he purchased it from the Mangums. Mr. Peters noted that a thorough title search would reveal outstanding requirements on the property.

In response to Commissioner Luker's question regarding whether or not the church building going up in the area would require street improvements as well, Mr. Peters stated that there are a few opportunities to put improvements in place, the most obvious being a new subdivision. When a site plan is submitted for a commercial facility, improvements have to be included. Also, if a building permit is granted on a lot that does not have improvements, they are required as part of the building permit approval. However, if the adjacent properties do not have improvements, the property owner may be able to get the requirement waived. Commissioner Brockbank stated that if the owner isn't required to put in the improvements, the burden would fall to the City, so he would rather see them required of the property owner.

Mr. Eyre stated that the sale of the one-acre parcel would benefit Mr. Capel financially. Mr. Eyre stated that he is looking to bring pressurized irrigation to his property from the Kailye Anne subdivision because he currently has no pressurized irrigation. Mr. Eyre felt that the improvements should have been known beforehand.

Commissioner Loumis thought the key to this situation is the retention pond. He expressed concern about putting a house close to the pond when it is taking on water from a neighbor's field irrigation. He did not want to put the City in that predicament. He asked about a situation where someone buys the lot and gets flooded. Mr. Peters stated that the City has done some enforcement with Mr. Lems, but he didn't know the extent of that effort. Mr. Lems is required to contain his irrigation water. Any extra water should not go into the City's storm drain system because the City's drainage system is not designed to accommodate it. Mr. Peters added that this situation has occurred elsewhere in the City as well. Commissioner Brockbank stated that if the owner of the property mitigate the overflow from the retention pond there will be water problems in the home.

**BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015**

In addition, the water dissipates quickly in the pond, so the water is spread out underground, which could pose serious problems to a basement.

There were no further public comments. Commissioner Wingate closed the public hearing.

Commissioner Brockbank stated that he believes the improvements in front of the house on 13800 South should be required because it is a new subdivision. Commissioner Brockbank then stated that he believes the concern with the groundwater needs to be addressed. Mr. Peters believed that type of recommendation would be appropriate but it is not the property owner's responsibility to handle someone else's water.

Commissioner Luker concurred with the need to install improvements. He was likewise concerned about water. He noted that the retention pond is designed to handle storm water on a periodic basis and not irrigation water on a regular basis. If a 50-year storm were to occur, it would not be able to perform its function if it is already full and the soil underneath is saturated.

James Wingate moved to forward a positive recommendation to the City Council for the Kailye Anne Amended Subdivision, Application 2015-16, subject to the following:

Conditions:

- 1. That all requirements of the City Code and adopted ordinances are met and adhered to for this subdivision.**
- 2. That all roadway improvements including curb, gutter, sidewalk, asphalt paving, storm drainage facilities, and pressured irrigation pipe are installed in front of Lot 3 of the proposed subdivision before recording of the subdivision plat. All construction plans will require approval from the City Engineer.**
- 3. That the applicant obtains confirmation from the Jordan Valley Water Conservancy District that the buildable area is acceptable being coincident with their easement boundary.**
- 4. That City staff determine whether or not the retention pond on lot 2 has sufficient capacity for its intended purpose and whether or not any improvements are necessary.**
- 5. That City Code Enforcement investigates the overflow of irrigation water from the Lems property into the City storm drain system and other properties.**

Findings:

- 1. That this application conforms to the City of Bluffdale subdivision ordinance and Utah State Code requirements regarding plat approval.**

**BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015**

Von Brockbank seconded the motion. Vote on the motion: Von Brockbank-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Nay; James Wingate-Aye. The motion passed on a 3-to-1 vote.

Commissioner Loumis explained that he voted against the motion because he believes the runoff water from the alfalfa farm to the neighboring property is a civil matter that should be taken care of between the two property owners. The problem has occurred for a long time and even though City Code Enforcement can take place, it might not ultimately resolve the problem.

6. City Council Report.

Mr. Peters reported that he did not attend the last City Council Meeting but stated that the majority of the meeting dealt with the City budget.

In regard to agenda item number 5 dealing with the Franchise Agreement, Mr. Peters said that it was postponed.

In regard to agenda item number 6 pertaining to the adjustment of the boundary with Draper City, Mr. Peters said that the City's east boundary is the east right-of-way line of Pony Express. Any landscaping between the road and the freeway is part of Draper City. The boundary line was adjusted to the center line of I-15, which simplifies traffic enforcement. Bluffdale City does not gain any developable land from the change.

Commissioner Brockbank asked if the City needs to modify the City Ordinance with regard to parking at the condo units. He did not believe the City was requiring enough off-street parking in the condo projects because he sees a lot of congestion on the roads with parked cars. He believes the City needs to re-evaluate the parking requirements in those areas. Mr. Peters was not sure what the parking requirements are. He explained that townhomes have driveways, which helps provide parking in those areas.

Commissioner Luker had seen the same problem with apartments and condos. Commissioner Brockbank thought it may be necessary to adjust landscaping to allow for more parking. Commissioner Luker stated that the apartment buildings are technically in compliance. Commissioner Brockbank believed the parking problem will become especially problematic at Independence. Commissioner Wingate suggested Commissioner Luker take photographs to verify the problems.

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

There was no discussion on the above agenda item.

8. Adjournment.

The Planning Commission Meeting adjourned at 8:09 p.m.

**BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 1, 2015**



Gai Herbert
Community Development Secretary

Approved: July 18, 2015