



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

November 4, 2015

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, November 4, 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. Invocation and Pledge.*
2. Public comment (for non-public hearing items).
3. Approval of minutes from October 14, 2015 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a Preliminary and Final Subdivision Plat Application for Wistful Meadows, a two lot subdivision located at 14525 South 3400 West, Kenneth and Colleen Dansie, Applicants.
5. City Council Report.
6. Planning Commission business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: October 30, 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: **Connie Pavlakis, Vice Chair**
 James Wingate
 Johnny Loumis, Jr.
 Von Brockbank

Excused: **Brad Peterson**
 Kory Luker

Others: **Grant Crowell, City Planner/Economic Development Director**
 Jennifer Robison, Associate Planner
 Courtney Lemperle, Development Coordinator

BUSINESS MEETING

In the absence of Chair Brad Peterson, Vice Chair Connie Pavlakis called the meeting to order at 7:01 p.m.

1. Invocation and Pledge.

Quinn Barton offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the October 21, 2015, Meeting of the Planning Commission.

Von Brockbank moved to approve the minutes of the October 21, 2015, meeting, as printed. Johnny Loumis, Jr., seconded the motion. **Vote on motion: Johnny Loumis, Jr.-Aye; Von Brockbank-Aye; Connie Pavlakis-Aye. The motion passed unanimously. James Wingate was not at that meeting and abstained from vote.**

4. PUBLIC HEARING, CONSIDERATION AND VOTE on a Preliminary and Final Subdivision Plat Application for Wistful Meadow, a two-lot subdivision located at 14525 South 3400 West, Kenneth and Colleen Dansie, Applicants.

Associate Planner, Jennifer Robison, presented the staff report and reviewed the vicinity map showing the location of the subject property. She identified where the public street ends, a portion of property owned by the City, and a portion owned by a private property owner. The overall size of the lot is 2.459 acres and the applicants propose to subdivide the property into two lots. It was noted that there is an existing home on the property. The lot to be subdivided will consist of one acre, which meets the R-1-43 zone requirement. Mrs. Robison noted that there is a 25-foot dedication to the City for a public right-of way for a future public street. The dedication will take

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place now with the applicants requesting that the improvements be delayed. A copy of the Delay Agreement prepared by the City Attorney was provided to the Council Members. The engineers reviewed the application and provided comments set forth in the meeting packet.

With regard to the Delay Agreement, Vice Chair Pavlakis asked who would be responsible for the improvements. Mrs. Robison's understanding was that the responsibility would belong to the future property owner. Commissioner Wingate noted that this situation is similar to another that occurred in Bluffdale. Commissioner Loumis stated that the responsibility would depend on what the City Council decides.

Mrs. Robison next reviewed a map to identify issues with the subject property. She noted that Chestnuts Estates, which is located to the northwest of the subject property, provides the right-of-way on 3400 West. She identified sections of the road that are paved and those that are not, and the current ownership of the right-of-way sections. Mrs. Robison identified a small, 18-foot portion of the right-of-way that belongs to Quinn Barton. One of the conditions of approval specifies that the applicants will be required to obtain at least a 25-foot easement to cross the property so that there is not an obstruction of the public right-of-way.

Mrs. Robison described the current standard for R-1-43 zones and stated that roads require a 52-foot or 55-foot right-of-way, however, there isn't enough property to dedicate that wide of a right-of-way to meet the lot size requirement. Consequently, when a public road is built, the additional width would have to come from the property to the west.

Mrs. Robison indicated that City Council discussions have taken place regarding this area for connections to other properties. She then reviewed an aerial map of the City's Transportation Plan with the proposed streets super-imposed on it. She also discussed potential future scenarios for street locations. Since the City Council had made no definite determinations, the applicants were requesting a Delay Agreement for improvements until the City Council decides what the Transportation Plan will specify for the area.

City Planner/Economic Development Director, Grant Crowell, stated that he has not seen one during his 3½ years at Bluffdale. Commissioner Loumis and Vice Chair Pavlakis had no recollection of any Delay Agreements being approved by the City Council. Mr. Crowell stated that they are not a preferred method because of the difficulty in collecting, however, this is a unique situation. Discussion ensued on what makes this situation different from other scenarios.

The applicant, Colleen Dansie, gave her address as 14525 South 3400 West and addressed the Quinn Barton property. She stated that Mr. Barton is in favor of granting the easement through his property. Mr. Barton's property also runs north of her property and some of the rights-of-way are owned by the City. The City will now own an additional 25 feet. She felt it made no sense to dedicate another portion of property if it goes nowhere. The dedicated property will not benefit the Dansies because the City isn't going to do anything with it.

Commissioner Brockbank stated that a similar situation occurred elsewhere in the City where a right-of-way was divided between two property owners. This situation set a precedent for the area.

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Vice Chair Pavlakis opened the public hearing.

Quinn Barton gave his address as 14524 South 3200 West and identified himself as a neighboring property owner. He stated that when Mrs. Dansie visited with him about the easement on his property, he thought it was already in place. In response to Mr. Barton's question regarding the extent of the easement, Mrs. Robison stated that it goes all the way to the end of applicant's property. Mrs. Dansie clarified that some of the property is already owned or will be owned by the City. In the end, the road will be straight and of uniform width. Mr. Barton added that years ago he placed his gate so that there would be ample space for a future road. He expressed a willingness to cooperate in whatever manner is necessary. He commented that he placed his property in a Living Trust for the benefit of his children. In the trust, he gave his neighbor, Derek Moser, first right of refusal to purchase the property. The second right of refusal went to Laurie Maxfield. Consequently, since they have a vested interest in Mr. Barton's property, he conferred with them on how to deal with it.

Laurie Maxfield asked about the location that pertains to the Delay Agreement. It was indicated that it applies to the north-south road. It was noted that whoever develops the property will be responsible for the improvements. A question was raised about whether curb, gutter, and sidewalk will have to be installed if the two homes share the same lane. It was noted that the lane will be a 350 foot long private drive. Mr. Crowell stated that currently there is a provision that if there is a 25-foot right-of-way, there can be two homes accessed off of a shared driveway. He added that the City Council will have to determine whether it is necessary to require a public street. It is a policy decision to determine whether a proposed private driveway should be public or private. In this area, the City Council's requirements have been mixed.

Mr. Crowell stated that when the owners are ready to subdivide, they should visit with him to determine how to approach the City Council. In response to Ms. Maxfield's question regarding the rationale for giving the 25 feet to the City, Mrs. Robison stated that it was supposed to make a connection at one point. Mrs. Dansie added that it was originally supposed to go to 3200 West. In response to Ms. Maxfield's question regarding what the City will do with the property right now, it was stated that its use will be on hold. Mr. Crowell stated that if the land is developed and many years in the future the right-of-way remains unused, a petition could be filed for the City to vacate the land and it would revert to the person who donated the land to the City in the first place.

Discussion ensued on the responsibility of property owners when they develop property. Mr. Crowell stated that the City does not typically install curb and gutter. That responsibility rests with the developer of the property. Mr. Crowell added that Ms. Maxfield would need to draw up a sketch showing what she wants to subdivide and discuss the options with the DRC. Commissioner Loumis added that if the property owners on both side of the right-of-way want to develop their property, they could develop the street in a cooperative arrangement.

Steve Mousley gave his address as 14585 South 3400 West and stated that he gave 25 feet for a right-of-way, so he believes the other property owners should be required to do the same. He discussed owners and their uses for the surrounding properties. He added that he doesn't believe

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curb and gutter is needed in some situations, particularly around hay fields. He concluded by stating that he believes that what the applicants have done for their property is more than adequate.

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

Commissioner Wingate stated that he believes that although Delay Agreements are uncommon, the request makes sense for this location, especially since the neighbors are in favor of it.

Commissioner Brockbank was in favor of the Delay Agreement, but did not understand how it works. Vice Chair Pavlakis explained that the property owner does not pay anything until the property is developed. Commissioner Loumis explained that since there are multiple property owners in this area and because the City has made no definite decisions with regard to street development, it was unclear who will ultimately bear the responsibility for making improvements. Consequently, he felt that the Delay Agreement made a lot of sense.

James Wingate moved to forward a positive recommendation to the City Council on the Wistful Meadow Preliminary and Final Plat Application 2015-48, subject to the following:

Conditions:

- 1. That all requirements of the City Code and adopted ordinances are met and adhered to for the proposed plat.**
- 2. That the plat comply with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings prior to the plat recording.**
- 3. That an easement is required from the adjacent property owner to the north and a copy provided to the City to allow the connection for public access prior to the recordation of the final plat.**
- 4. That the applicants agree to and sign the Delay Agreement for deferral of improvements provided by the City Attorney.**

Mrs. Robison suggested a friendly amendment be made that the owners provide adequate secondary water shares. Commissioner Wingate added Mrs. Robison's friendly amendment as a fifth condition.

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

- 5. City Council Report.**

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Mr. Crowell stated that the Parks Plan was adopted by the City Council. The Billboards text amendments were also adopted.

Commissioner Loumis noted that there are two new City Council Members and another City Council Member was re-elected.

Mr. Crowell stated that there is ongoing discussion in the City Council about how to deal with unique pieces of property. A Special Development Zone may be created that will involve individual rules being imposed on an individual piece of property. Commissioner Wingate stated that he was in attendance at the meeting where this idea was discussed and he believes the Planning Commission will like the proposal. He gave a brief overview of what is being proposed.

Commissioner Loumis opined that the situation referenced by Commissioner Wingate is the reason the CRO zone needs to be re-opened. Mr. Crowell added that the proposal discussed is the catalyst for this discussion and there is an Enabling Code in the Zoning Ordinance that explains how to apply for a special development. He stated that the Planning Commission will likely see the Enabling Code first. It will consist of a map amendment and a set of text zoning codes that will go with a piece of property.

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

It was reported that the next Planning Commission Meeting will take place on December 2, 2015.

7. Adjournment.

The Planning Commission Meeting adjourned at 7:42 p.m.



Gai Herbert
Community Development Secretary

Approved: December 2, 2015