



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

December 2, 2015

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, December 2, 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 November 4, 2015 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on Zoning text amendments of various sections of the City of Bluffdale Land Use Ordinance for the Gateway Redwood Zone, Title 11-11A, Bluffdale City Code, generally located between Bangerter Highway and 14000 South and Redwood Road and 1400 West, Bluffdale Marketplace, LC, Applicant.
5. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a Preliminary and Final Plat for The Rach Subdivision which contains up to 20 commercial lots and a proposed vacation of a portion of Market View Drive, a public street (this access is intended to be replaced with a new public road at 13970 South). Bluffdale Marketplace, LC, Applicant.
6. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a Preliminary and Final Subdivision Plat Application for Wood Duck Hollow Phases 1,2,3,4 and 5 for 32 single-family residential lots in the R-1-43 CRO Zone located at approximately 14300 South 1400 West, CW Management, Applicants.
7. **PUBLIC HEARING, CONSIDERATION, AND VOTE** for a Fish Hatchery as a Conditional Use as defined in Title 11-2-2 in the Bluffdale City Code at approximately 14551 South 790 West, Kinneret Investments, Applicant.
8. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a proposed Preliminary and Final Subdivision Plat for Bluffdale Heights Phase 4, an 8 lot subdivision with a public park and a new public and private street, located at approximately 700 West 15200 South, Ken Milne, Applicant.
9. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on amending Title 11-35-2 of the Bluffdale City Code to allow "Automotive Service" and "Printing Shops" as defined in Title 11-2-2 as a Permitted Use in the I-1 Light Industrial Zone, Derek Blaylock, Applicant.
10. City Council Report.
11. Planning Commission business (planning session for upcoming items, follow up, etc.).
12. Adjournment.

Dated: November 23, 2015



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
Connie Pavlakis
James Wingate
Kory Luker
Von Brockbank**

Excused: Johnny Loumis, Jr.

**Others: Mayor Derk Timothy
Mark Reid, City Manager
Vaughn Pickell, City Attorney
Grant Crowell, City Planner/Economic Development Director
Jennifer Robison, Associate Planner
Gai Herbert, Community Development Assistant**

BUSINESS MEETING

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

1. Invocation and Pledge.

Delynn Summers offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

Josh Pitts gave his address as 14932 South Concord Park, Bluffdale. Mr. Pitts indicated that he purchased property in the I-1 property referenced in agenda item number 9, so he will soon be requesting an additional use, recreation and entertainment, in the I-1 zone.

Delynn Summers gave his address as 13992 South 1700 West and expressed concern with the graffiti that is occurring in the tunnel underneath Redwood Road. He asked what the City is doing regarding that ongoing issue. Chair Peterson stated that Mr. Summers would be better served if he took the issue to the City Council.

Hillary Spahr gave her address as 14381 South 1690 West and stated that she is a fairly new resident and that new development is occurring in the area. She had questions regarding the development. Chair Peterson stated that Ms. Spahr's concern would be addressed as part of agenda item number 6 at which time could offer additional public comment. Ms. Spahr added that she has an additional concern with what will be done with the traffic signals off of 1690 West, near the Maverick store. This is a difficult area that she has discussed her concerns with the Mayor. There is a sharp turn that poses a safety hazard and no agency seems to be accepting ownership for it. In response to Chair Peterson's question with respect to where the State road ends and the City road

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begins, Ms. Spahr stated that she did not know the answer. Her main concern was that someone needs to take ownership of that area and provide a means of making it a safe intersection.

Debbie Holt gave her address as 14353 South 1690 West and stated that she lives on the same road referenced by Ms. Spahr. She stated that Bluffdale City owns 1690 West up to 14400 South. Anything beyond that is owned by UDOT. Chair Peterson stated that resolution of the problem would have to be in collaboration between Bluffdale City and UDOT. In response to questions by Commissioner Pavlakis, Ms. Holt stated that she has lived in her current home for 30 years and the problem has gotten worse over the past seven years since construction on the new development began in 2007. Ms. Holt stated that she has petitioned Bluffdale City to vacate 33 feet of property in front of her home that no one seems to want to claim except her. Her home is on the property section and survey lines and she would like that to be addressed. Chair Peterson sought to clarify that the City needs to determine ownership of the property. If it belongs to Ms. Holt, the City needs to vacate it back to Ms. Holt.

City Attorney, Vaughn Pickell, stated that Ms. Holt has applied for the vacation of the property and her request will go through the process as specified in State Statute. That request will be scheduled and noticed as soon as possible. Ms. Holt requested that it be addressed before the end of the year; otherwise, it will create tax problems for her. Chair Peterson explained that the Planning Commission is not scheduled to meet again this year, so it will not be possible to expedite the process, as requested. Ms. Holt indicated that she brought the request in on Monday of the previous week. It was explained that the issue could not be placed on the agenda for tonight's meeting because there was not sufficient time to go through the public noticing process.

There were no more public comments.

3. Approval of Minutes from the November 4, 2015, Meeting of the Planning Commission.

Von Brockbank moved to approve the minutes from the November 4, 2015, meeting of the Planning Commission, as changed. James Wingate seconded the motion. Vote on motion: Von Brockbank-Aye; James Wingate-Aye; Connie Pavlakis-Aye; Brad Peterson-Abstained; Kory Luker-Abstained. The motion passed unanimously with two abstentions. Commissioners Peterson and Luker abstained as they were not present at the November 4 meeting.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on Zoning Text Amendments of Various Sections of the City of Bluffdale Land Use Ordinance for the Gateway Redwood Zone, Title 11-11A, Bluffdale City Code, Generally Located Between Bangerter Highway and 14000 South, and Redwood Road and 1400 West, Bluffdale Marketplace, LC, Applicant.

City Planner/Economic Development Director, Grant Crowell, presented the staff report. He requested that agenda items 4 and 5 be considered together with separate motions. Chair Peterson approved Mr. Crowell's request.

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Mr. Crowell presented that staff report and stated that this is a large item with many proposed components and modifications. At the corner of Bangerter Highway and Redwood Road is a piece of property owned by Bluffdale Marketplace. The property has been planned as a commercial gateway to Bluffdale and has been zoned commercial at least since 1999. At one point, a Smith's Marketplace was anticipated, but did not materialize because of the economic downturn.

The property owners recently submitted a new proposal that includes a Smith's Marketplace as the anchor tenant for the property. The property also contains an existing public street identified as Market View Drive. The street has been out of service for quite some time. The paved road at 13970 South, which is privately owned, has been used as an access to the Bluffs and Vintage on the Bluffs. The proposal was to vacate a portion of Marketview Drive from public use and have the subdivision create a new dedication for a public street. The proposed zoning text changes were for a comprehensive development proposal that involves the Smith's Marketplace and creates a number of different pad sites for the developer for retail, future office buildings, architectural standards, signage standards, and landscaping standards. The parcel is unique because it is the only parcel that is zoned Gateway Redwood. Approval of the proposed text amendments is a legislative action and the changes will apply only to the subject property. This allows for the crafting of specific requirements for just this development proposal.

Mr. Crowell noted that there are two things to be considered in tonight's public hearing. The first is the zoning text amendment, which covers the entire area under consideration. The second item is the subdivision plat approval for the Ranch Subdivision, which includes the vacation of a portion of Market View Drive, which is a public street. Vacation of a public street has very specific statutory requirements that must be met in the noticing process. If the proposed changes to the subject property are deemed acceptable for good cause, the subdivision proposal will have a new public street proposed at 13970 South, which is the current location of where people have been driving to the Bluffs and the Vintage on the Bluffs for some time. For the past year the City has worked with the State of Utah to define access locations and future traffic signal locations from the City's northern boundary to the southern boundary. The deliberations also included the establishment of rules for new development.

The City worked with UDOT and the subject property owner. In that process, it was determined that the only place a traffic signal could be placed on Redwood Road for the development would be at 13970 South. That traffic signal will serve both the east and the west sides of the community. That is the agreement the City has with UDOT because Redwood Road is a State-controlled facility and UDOT has the authority to determine where traffic signals are located. After that agreement was made, the City Council adopted a revised Capital Improvements Plan for Transportation in August of this year.

Mr. Crowell next reviewed the City's Capital Improvements Plan which shows how the City can direct its prioritization for collector roads in the future. Based on the information in the City's discussion with UDOT, the road was added to the Master Plan as a collector road. The Plan also sets forth how the City can utilize impact fees to help pay for those roads.

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Mr. Crowell described what the Ranch Subdivision looks like currently. He identified where the new public street will be located once the Smith's store is built. The plans call for two turning lanes southbound from Redwood Road into the property in anticipation of the added traffic volume.

Mr. Crowell next presented the proposed zoning text amendments that apply just to the property. The applicant and property owner are proposing modifications to the zone that specify what is necessary for the projects to go forward in ways that meet the corporate needs of Smith's and Kroger and the property owner. New design guidelines will be attached to the zone for this project. The proposed changes included updates to the Allowed Uses list. There are 22 parcels that will have cross-access. They will each have frontage as well. The setbacks will be different and will be based on the design guidelines rather than just the location of the lot lines. Building heights were modified, allowing up to 40 feet in a retail building, and up to 100 feet in the office area. The 100-foot height translates into approximately eight stories, depending on ceiling heights. The parking configuration will have to allow for the various uses, such as a grocery store, office buildings, and restaurants. That element will have some flexibility depending on the needs that arise.

In the original Development Agreement, there was a 100-foot residential buffer between the subject property and the neighboring residential area to the south which was identified as Bethany Hills Cove. The proposal was to remove the 100-foot buffer and replace it with a wall, landscaping, and other guidelines, such as lighting. The elimination of the buffer was necessitated as a result of the creation of 13970 South.

The proposed ordinance also includes a specific sign package, including new, larger signs, the architectural requirements for signs, a 100-foot marquee sign at the corner of Bangerter Highway and Redwood Road, a 60-foot entry monument sign, multiple 20-foot monument signs, a district area sign, and the allowance for some of the larger signs to have LED illumination.

The design guidelines include a requirement for an Architectural Control Committee. There would be the possibility of a 24-hour fuel and convenience store in conjunction with the Smith's Marketplace. The future building pads would be subject to administrative approval.

Mr. Crowell next pointed out the iteration of what the site plan could look like, and the main components of the project. The anchor tenant is Smith's Marketplace that will occupy a building just over 120,000 square feet in size. There is the ability to have a mid-box retail site of 20,000 square feet. An area was identified for a gasoline/service station. There are areas in the back that in the future could have office buildings. Retail could also go in along the frontage at Redwood Road and along the periphery on the south side. There would also be a privacy wall adjacent to the existing residential area.

In response to Chair Peterson's question regarding the composition of the Architectural Control Committee, Mr. Crowell explained that it would be from Bluffdale Marketplace and that Woodbury Corporation would be in control of the Architectural Control Committee. Smith's submitted design guidelines for its store so that it can move forward and secure the necessary financing.

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Commissioner Pavlakis noted that the design guidelines have been submitted and asked if the other developments are required to adhere to the same guidelines. Mr. Crowell responded in the affirmative and stated that other businesses will take the current palette and try to incorporate it into the design of future buildings to maintain a consistent appearance as part of the branding efforts of the Ranch Subdivision. Chair Peterson observed that the proposed text amendments allow for flexibility if new businesses have their own brand and look that they need to preserve. Mr. Crowell acknowledged that observation and stated that there would still be a mechanism to ensure as much consistency as possible in the appearance of future businesses.

Commissioner Pavlakis noted that the new language on Permitted Uses no longer includes “theaters, not to include sexually oriented businesses.” She wanted to know if that was an oversight or an intentional change. Mr. Crowell stated that there is a completely different section in the City Code that addresses sexually oriented businesses. They are allowed only in the I-2 zone, so it was unnecessary to include that prohibition in the proposed text amendments.

Continuing the discussion on the Architectural Control Committee, Mr. Crowell added that Woodbury Corporation has architects who will also work to ensure that the Ranch Subdivision maintains its ranching styled look.

Commissioner Pavlakis shared her desire to see pictures of signs that give an idea of the signs’ size and appearance. It was noted that the IKEA sign is 100 feet, as a frame of reference. Mr. Crowell reviewed photographs of sample signs that were included in the meeting packet. Mr. Crowell added that a “Welcome to Bluffdale” sign might also be included, but it was undetermined at this point.

In situations where businesses do not own the building they are going to occupy, the Architectural Control Committee will have additional authority on the design used for the building. The City is committed to having a good-looking project with a cohesive design theme, particularly for people as they enter Bluffdale. The City of Bluffdale does not have a history of being exceedingly prescriptive in terms of building design.

Chair Peterson next asked the Commissioners if they need clarification on the text amendments. They had no questions, so the text amendments were not reviewed.

Commissioner Brockbank noted his concern that a Review Committee should have someone that is independent of the process. He saw no sense in having a Review Committee if the reviewers are looking at their own material. Thus, he urged that someone who is independent of the project be included in the Architectural Control Committee. Mr. Crowell stated that the Architectural Control Committee has been meeting with representatives from Smith’s to make sure that the property owner’s vision of the development is compatible with Smith’s vision of their building design. In addition, Bluffdale City does not have a staff member who is an architect, so it is difficult for the City to give architectural input.

Chair Peterson interjected that the developers have provided examples with color schemes, architectural designs, potential themes etc. If the City approves the basic visual and architectural concept, the owner would need to stick with that overall concept. Chair Peterson noted that the

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pictures that have been provided give a good idea of what the developer plans to do, and they will be held to that overall design.

Commissioner Brockbank referenced the sample sign for business outlets. His concern was that if the outline can be seen five or six miles away, it is going to affect the people who live nearby. He was very concerned that the City would allow a 100-foot sign in that area and that it is allowed to be lit. There were several spontaneous "I agree" statements from members of the audience. Chair Peterson reminded the audience members that they would have their opportunity to comment. He then stated that he did not believe it was correct to compare that kind of sign to the one at Traverse Mountain because it is illuminated by LED lights. The proposed sign has a much smaller LED and will be more consistent with the rules that apply to LED signs on the freeway. Mr. Crowell stated that the newly adopted illumination standards that regulate LED billboards on the freeway will be used for all LED signs in Bluffdale, including the signs on the subject property. The transition standards will also apply. Mr. Crowell emphasized that the paradigm for sign illumination in Bluffdale has shifted to LED. That is the industry standard that has been adopted for advertising.

Commissioner Pavlakis noted that billboard heights along the freeway have to be lower along residential areas. She asked how much the lighting will show on the houses nearby. Mr. Crowell explained that the illumination is measured with a light meter by a person who is standing on the ground. Mr. Crowell added that it is very important to the property owner and the anchor tenant to be able to display changes, products, advertising, and activities taking place in the center through this type of technology. Discussion ensued on the anticipated height of the signs. Mr. Crowell stated that the sound walls and the Redwood Road sign will be visually obstructive of the signs for the bordering neighbors. The height of the sign had yet to be determined.

Chair Peterson opened the public hearing.

Taylor Woodbury, the applicant, gave his address as 2228 South 2300 East, in Salt Lake City and gave a history of the project. He reported that when he acquired the subject property around 2005, there was already a Development Agreement on the property that specified what type of development was going to go on the site. That Development Agreement was signed on August 26, 2003. He was proposing to make some changes to what was in the original Development Agreement, however, he did not believe the changes were as significant as some may anticipate. The original Development Agreement anticipated buildings that would range from 32,000 square feet to 123,000 square feet. The largest building under the new plan is 123,494 square feet in size, which is the Smith's Marketplace. The total square footage from the original Development Agreement was 364,000 square feet. The new proposal, which includes multi-story office buildings, is 386,000 square feet. The square footage of the proposed footprints is less than the square footage of the footprints anticipated in the previous Development Agreement.

In September 2014 Woodbury Corporation was contacted by Smith's regarding the potential of developing a Smith's Marketplace on the site. It was very preliminary, but Smith's wanted to ascertain Woodbury's potential interest in that type of development. Woodbury responded affirmatively, so Smith's conducted a market study and determined that the anticipated sales would meet the threshold required by Kroger to locate a Smith's Marketplace on the property. Woodbury

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then engaged a company to perform a traffic study to determine the layout that would be needed on the property. Smith's anticipates close to 26,000 cars per week traveling to that site. The previous Development Agreement anticipated that Smith's would be much farther east on the site. Smith's, however, was not interested in having the building that far from Redwood Road. Through their traffic study, they determined that the site would work, both from a traffic and visibility standpoint.

Woodbury Corporation was bound by strict confidentiality requirements in the planning process prior to signing a Purchase Agreement with Smith's in October 2015. Since then, Woodbury had been working closely with Bluffdale City and Smith's to create a new zoning ordinance and design guidelines for the subject property. The proposal now under consideration represents what is needed to accommodate Smith's requirements for the site.

Mr. Woodbury stated that there is urgency in securing the needed approvals so that construction on the Smith's store can begin. Woodbury Corporation had had major deals fall through because of approval complications and delays. Thus, since Smith's was contracted to be an anchor tenant for this development, timeliness was essential. There are other Smith's sites that are in competition with Bluffdale to begin construction first, so Woodbury wants to ensure that this site remains a priority with Smith's. The retail market is very volatile, so Woodbury felt very fortunate to have Smith's under contract.

With regard to design guidelines, Mr. Woodbury stated that Woodbury Corporation has been successful in developing commercial sites with a cohesive design. Anchor tenants have their own strict corporate specifications, so it can be tricky to integrate the overall design so that the anchor tenant fits in well with the project. Mr. Woodbury was confident that the Architectural Control Committee will be able to maintain the design integrity of the proposed commercial development. With that in mind, the Architectural Control Committee still works closely with the City to ensure compliance with the City's requirements as delineated in the Development Agreement.

With regard to Chair Peterson's question regarding the primary control for the Smith's building, Mr. Woodbury stated that there is little the Architectural Control Committee can do for the Smith's building. However, the new design that Smith's has developed will be compatible with what Woodbury has contemplated elsewhere in the development. Therefore, Woodbury's lead designer was very optimistic about their ability to integrate the Smith's building with the other buildings.

In response to Chair Peterson's question regarding potential negotiations Woodbury Corporation may have with other box stores, Mr. Woodbury stated that they are in negotiation with two tenants. The biggest retail show takes place in May, so if Woodbury can show that the project is moving forward, they feel confident in their ability to attract good tenants. Primary demand will be for the buildings on Redwood Road.

Chair Peterson next asked Mr. Woodbury to describe the intended plans for the office buildings. Mr. Woodbury stated that there will be three 60,000-square-foot buildings. They will be three-story buildings with 20,000-square-foot floor plates. There will need to be flexibility to accommodate the interested tenants. When Chair Peterson sought to clarify and confirm that three separate tenants could potentially have three different looking office buildings, Mr. Woodbury replied in the

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affirmative. In addition, Mr. Woodbury stated that he would not anticipate the buildings being the same because Woodbury would not anticipate building them as spec projects. He did not anticipate that the proposed development will immediately be seen as a site for office buildings, but that perception could change over time. The Woodbury designers work to ensure that design elements between separate buildings are compatible.

In response to Commissioner Pavlakis' question regarding the Gateway sign, Mr. Woodbury stated that he was the one who suggested that a "Welcome to Bluffdale" sign be included since it is where people will come off of Bangerter Highway. Mr. Woodbury said that signs are expensive so tenants are expected to contribute to the cost of the sign. The height of the signs depends on the type of sign ultimately chosen. The sign height is also affected by the overpass and the sound wall. The signs will be visible from Bangerter Highway. Smith's specified that their sign has to be high enough that someone traveling east on Bangerter Highway can see the sign in time to make a timely decision to exit the highway. That height, therefore, is calculated at 80 feet.

Chair Peterson then asked Mr. Woodbury to address the illumination of the Smith's sign. Mr. Woodbury stated that the LED panel is much smaller than in other locations. He assured the Planning Commission that the sign will meet the illumination standards being set across the valley. The sign will have adjustable illumination, depending on the location of the sun.

Noting that a feasibility study had been conducted, Commissioner Brockbank asked Mr. Woodbury who the typical shopper will be. Mr. Woodbury could not give a definitive answer but said it would draw from surrounding communities. He added that analysts typically look at drive times and commuting patterns. Stores are typically located on roads that people use when they are going home from work. People who are westbound on Bangerter Highway will presumably be a significant target market.

Sterling Smith gave his address as 1487 West Napa Avenue and stated that his main concern is traffic, particularly in the two-lane turn lane. He did not see how the space is adequate there for the residents to alter their lives. His other concern was the change of the traffic path. He did not believe the current road was safe.

Hillary Spahr gave her address as 14381 South 1690 West and stated that she was in favor of any commercial property that will raise tax revenue for the City. Her only concern was whether there is any subsidy from the City for this project and who will pay for it if there is a subsidy. When Chair Peterson sought to clarify whether she was referring to the infrastructure or the entire project, Ms. Spahr indicated that her concern pertained to both types of subsidies.

Linda Robertson gave her address as 1741 West 13970 South and thanked the Planning Commission for their service to the City and for involving the residents in their decision making process. Ms. Robertson then stated five traffic concerns she would like addressed. She noted that Redwood Road is a State road and asked if Bluffdale City has any sway to propose changes from the residents who are impacted by living near it. In response to Ms. Robertson's question about whether the State supersedes what the City has to say with regard to State roads, Chair Peterson

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replied in the affirmative. Ms. Robertson then stated that any of her other comments may be moot points.

Chair Peterson indicated that there are protocols that private citizens can follow when they have concerns to present to UDOT. Ms. Robertson enumerated safety issues she believed need to be addressed.

1. Speed limits need to be reduced and enforced.
2. 13970 South on the west side currently does not have continuous sidewalks and it is a busy road. At this juncture Commissioner Pavlakis inserted that the site plan calls for a traffic light at 13970 South, which would be a benefit to the residents.
3. The right-hand turn lane on Bangerter Highway southbound and Redwood Road has misplaced markings and signs, which poses a safety hazard.
4. She noted that turning left from Redwood Road to 13970 South there is a double yellow line. There is no legal left-turn lane.

Alaina Stone gave her address as 14062 Julien Cove, in Vintage on the Bluffs. Aside from the traffic concerns, Ms. Stone asked what will become of the property value of her townhome when getting into her subdivision becomes even more difficult. Ms. Stone described the problem caused by drivers' inability to use roundabouts effectively. She clarified that she is in favor of commercial development and increasing the tax base, but she was concerned about her property value. Commissioner Wingate stated that Mayor Timothy had asked for feedback on this project and received emails from 20 people, which were provided to the Planning Commission prior to tonight's meeting. Several people indicated that they wanted the gate that accesses Loumis Parkway to be opened permanently. Ms. Stone stated that opening the gate would solve a lot of problems.

Casey Lamoreaux gave his address as 14071 South Rutherford Avenue in Vintage on the Bluffs. He concurred with an earlier suggestion to open the regular access until this development gets going or until there is a better road and entrance to the subdivision. He also concurred with the suggestion of opening the gate on to Loumis Parkway.

Teri Bogden gave her address as 1602 West Bethany Hills Cove and asked if the Bluffdale Gateway RDA Participation Agreement still governs that property. It was verified that it does. In light of that fact, Ms. Bogden indicated that there is a clause in the RDA that states that "the agreement shall be in effect and binding upon the parties and their successors" for a period of 20 years. Therefore, Ms. Bogden asserted that the current RDA is still in effect and precludes making changes. She believed this was a condition that needs to be examined. In addition, Ms. Bogden stated that Bluffdale is a rural community and she wondered why one would want the gateway of the City to look like what is being proposed with big signs entering into the City. Ms. Bogden asked Mr. Crowell to clarify what he meant by his comment that what happens in this property doesn't happen anywhere else in the City. Mr. Crowell stated that any zoning map or zoning text is a legislative decision by the City Council, as opposed to administrative. Furthermore, the rules that

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being proposed will apply only to this property because this site is its own zone. Mr. Crowell also clarified that the City Council has the latitude to approve some of the text amendments and deny others. Ms. Bogden read a prepared statement on behalf of the Bethany Hills Cove residents. The purpose of the statement was to outline why the residents oppose the proposed text amendments for the commercial development site under consideration.

Steffany Stevenson gave her address as 14027 South Sonora Way and was grateful that Bluffdale is moving forward. She was grateful that the proposed store is not a Walmart and that the proposed development allows for customized looking buildings. Ms. Stevenson stated that she loves the City and what has been done to make it a beautiful place to live. She planned to turn her condo into a rental and having the proposed commercial development will make it even more marketable. As a business owner herself, she expressed concern with signage since signs are so important for letting people know that her business exists. She asked Mr. Crowell to review the sizes of the signs shown in the staff report. Discussion ensued on the different signs.

Tina Terrell gave her address as 1873 West Bethany Hills Cove and concurred with Ms. Bogden's comments. She acknowledged that the subject property is going to be a commercial site; however, there was originally going to be a buffer between the subject property and the Bethany Hills Cove subdivision. It is the buffer for which the residents were fighting to retain. A six-foot wall right next to their cul-de-sac is vastly different from the previously promised eight-foot wall and 100-foot buffer. She acknowledged that she will be shopping at Smith's with her neighbors, but they still want the buffer.

Carlos Lira gave his address as 1632 West Bethany Hills Cove and reported that he bought his property 10 years ago knowing that there was a 100-foot buffer. He noted that his property is probably taking the longest amount of space along the south side of the property and nobody has visited with him about it. His easement extends six feet into the commercial property because of a fence that was put in by the previous owner. He knew the commercial property was eventually going to be developed and he was looking forward to it. He was under the impression that it wasn't going to be touched for 20 years and he had not been apprised of what was going to happen there. He asked how his property value will be impacted if the buffer is removed or shortened. Mr. Lira stated that the currently proposed six-foot wall is entirely unacceptable to him because of the possibilities of crime and noise pollution.

In response the Chair Peterson's question if a 10-foot wall would be acceptable, Mr. Lira said that 10 feet should be the minimum and he would prefer a 12-foot wall and the buffer. If the buffer is removed, he believes the residents' legal rights will be violated. Chair Peterson noted that the originally proposed buffer was 100 feet and now there is no buffer. He then asked if there is a buffer amount that is less than 100 feet that would be acceptable to the residents. Mr. Lira stated that he personally could tolerate a shortening of the buffer but he cannot tolerate the proposed height of the wall. He commented that the Bethany Hills Cove residents have not discussed among themselves whether they would find a smaller buffer acceptable. From his perspective, a 50-foot buffer would be the bare minimum threshold of acceptability.

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Kyle Marchant gave his address as 1597 West Bethany Hills Cove and noted that his property is the last home in the cul-de-sac. It does not border the subject property but he believes it will be greatly impacted. Mr. Marchant enumerated his concerns as follows:

1. Traffic is a huge concern and the traffic light will make it more difficult to get in and out of their cul-de-sac.
2. Woodbury has proposed three buildings along the property line adjacent to West Bethany Hills Cove adjacent to three homes, which will be a significant problem for the residents without a buffer zone.
3. He believed the proposed traffic pattern is not advantageous for that property and other options should be considered.
4. He believed that the previous ordinances need to be preserved to ensure that the commercial development residential-friendly.

Mr. Marchant stated that he knew something was going to go into the commercial property when he bought his house nine years ago, but he also bought it with an understanding of the ordinances in place at the time. He wanted to see the property values and lifestyles protected. If the City approves the text amendments, most of the residents of Bethany Hills Cove will not stay there. In response to Chair Peterson's question regarding Mr. Marchant's suggested solution for the traffic pattern problem, Mr. Marchant stated that instead of a four-lane road at 13900 South, it should be left as a two-lane road and Market View converted to a two-lane road to balance the traffic coming in and out. Mr. Marchant also concurred with the suggestion to open the outlet to Loumis Parkway.

Joyce Dee gave her address as 14013 South Sonora Way in the Vintage on the Bluffs condos. She referenced the buffer and suggested that it could be green space. The residents would like some say, instead of turning 100% control of the property over to Smith's. Ms. Dee also did not like the potential of having huge neon [LED] signs. Commissioner Luker asked how much Ms. Dee would be willing to see her property taxes increased to provide green space as a buffer. Discussion ensued on the fact that the owners agreed to provide a buffer. Commissioner Luker countered by stating that if it was grass, someone would have to maintain it. Ms. Bogden stated that the Transition into Residential Ordinance addresses the issue of the buffer.

Mike Thompson gave his address as 1448 West Salmon Caddis Drive, in Sage Estates. He stated that since he doesn't live in Bethany Hills Cove, he is not as directly impacted by the proposed text amendments and development under consideration as the Bethany Hills Cove residents. However, he owns a property development company and when he buys a property, he notes that the zoning is what it is and he doesn't try to change it. Thus, since there was a known existing buffer zone, he did not understand why Woodbury was trying to eliminate it. He also did not believe a development company should benefit over the residents, who were here first. He did not believe that the City Council should be agreeing to anything that is different during the first 20 years that the original Development Agreement is in effect.

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Kelly Thompson gave her address as 1674 West Bethany Hills Cove and stated that the residents fought for the buffer, it is in the ordinance, and needs to be preserved. The property owner knew the buffer was there when he purchased the land. She opined that the residents have a legal right to the buffer. Chair Peterson stated that if the text amendments were approved, there would still be a site plan approval process. Granted, there would be limitations on the conditions and restrictions the City could place on a site plan proposal, but there are issues such as lighting and sound that could be addressed during the site plan approval process. Ms. Thompson read the Transition into Residential Area statement, which specifies that there shall be a “core 100-foot landscaped buffer, including a berm no less than six feet in height adjacent to all residential areas.”

Chair Peterson noted that the Planning Commissioners have a clear understanding of the concerns raised with regard to the buffer. Chair Peterson asked if the residents are demanding a “100-foot buffer or nothing,” or if they are willing to compromise so that the proposed commercial development is not ultimately cancelled on this property, which has been vacant for years. Chair Peterson noted that all of his neighbors are very excited for this development to come, and if a few residents say that they are not willing to compromise, they will hurt the entire City.

Ms. Thompson knew that the subject property was slated for commercial development, but the 100-foot buffer was placed by the City in the ordinance. The developer bought the property knowing that the buffer was part of the agreement, so if the three lots that would eliminate the buffer would make or break the development, they should not have bought the property. When Chair Peterson reiterated his question regarding compromise, Ms. Thompson stated that the property owner has not brought anything to the residents for them to consider. If it’s all or nothing for the developer, then it should be all or nothing for the residents. Chair Peterson clarified that the Planning Commission and the City Council will make the decision regarding the buffer, not the developer. For that reason he is trying to get a sense of the residents’ willingness to compromise. Thus, if the residents say there is no compromise, a few citizens will decide what goes there for the whole City, and there are thousands of people who support the development there. Ms. Thompson acknowledged that the residents realize that but want the buffer for the residential area. Chair Peterson stated that the Planning Commissioners need to know the options that are acceptable to the residents so they can forward a recommendation to the City Council with conditions.

Commissioner Wingate stated that it would be useful if a similar development could be identified to determine how the transition to residential was implemented on that site. He noted that in one of the letters he read prior to the meeting, a resident cited a commercial center that that person liked. Therefore, he looked at the commercial center referenced in that letter and noticed that there is residential right next to the wall, just as what is being proposed on the subject property. He also looked at the Riverton Supercenter Walmart and found that there is residential right up near the property line. He was unable to find a transition that meets the criteria that might be acceptable to the Bethany Hills Cove residents. A member of the audience suggested the Cabela’s in Lehi.

Kyle Marchant returned to the podium and explained that the Riverton example shows that it is possible to locate commercial next to residential without a light. He had seen successful commercial developments go in next to residential areas without putting in a light that impacts the neighborhoods. He added that a major issue is the value of the homes in Bethany Hills Cove, which

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will be negatively impacted. The development may increase the values on condos. It was recommended that the City sit down with the residents and discuss the options.

Ms. Stevenson stated that in Herriman there is a commercial development with offices next to residential. She believes that if there is no buffer there absolutely should not be drive-up windows because no wall will mitigate the noise. A quiet business near the boundary might be acceptable.

Salina Mecham gave her address as 14078 South Almeden Cove. She stated that she moved to Bluffdale because she wanted the City's touted "rural environment with a unique country lifestyle." She added that she would rather pay more in taxes to have more green space. She believed the proposed development will compromise the lifestyle that attracted people to Bluffdale.

Nancy Lord gave her address as 3754 West Pheasant Hollow Lane. She stated that she is not directly affected by the proposed commercial development, however, the buffer has been part of the City Ordinance for many years. She was disturbed by the comment that if the buffer were not removed, the citizens would have to increase their taxes to reimburse the developers for the land when it's already designated as a buffer zone. The Planning Commissioners represent the citizens of Bluffdale and to change an ordinance to eliminate the buffer zone is taking from the citizens to whom that buffer was promised. It is not taking away from the developers because that is the way the developers bought the land. She was of the opinion that the Planning Commission has a responsibility to ensure that the buffer remains. She concluded by stating that if the buffer zone is eliminated the residents need to be compensated.

Ken Olsen asked how wide the buffer is for the proposed site plan. Chair Peterson stated that there is a zero lot line with a fence and a row of trees with grass that will separate the commercial property from the residential property. It was noted that the landscaped area is six feet wide. Mr. Olsen believed a win-win solution can be worked out. For example, perhaps the landscaped area could be eight feet, along with the fence. By staggering the trees on both sides of the fence, a forest effect could be created. He believed that if the landscaping is done right, a 100-foot buffer is not needed. Mr. Olsen concluded by stating that he doesn't believe a 100-foot buffer is reasonable for the developer.

Ms. Dee asked if Bluffdale is still a "dry" (alcohol-free) City. Chair Peterson responded in the negative and stated that the sale of alcohol is regulated on the basis of a business's proximity to a church building. Ms. Dee next referenced the location of the traffic light and indicated that there are challenges to get into the left-hand lane to turn left from Redwood Road. Chair Peterson stated that with the new light there will still be challenges.

Boyd Preece gave his address at 15122 Skyfall Drive and observed that the issue is a matter of timing since the 100-foot buffer is slated to go away in 20 years from when the current ordinance was created. Since it is eventually going to go away anyway, he believes that the current course of action should be for the affected parties to reach a solution together. Mr. Preece stated that the people in his neighborhood are excited for commercial development, especially a grocery store. He concluded by urging compromise.

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Abraham Castaneda gave his address as 13962 South and Redwood Road near the proposed traffic light. He asked how the light will affect his property. Commissioner Pavlakis stated that the City has no authority to make decisions regarding Redwood Road because it is a State road. Mr. Castaneda was concerned that if the road is widened it will take some of his land.

Lisa Talbot gave her address as 14012 South Redwood Road and stated that her concern with the light is that the residents there will never be able to make a left-hand turn onto Bangerter. With the current traffic light, she did not have trouble turning left from her property but that will change with the new light. Chair Peterson stated that Redwood Road is going to change a lot over the years.

Ms. Bogden believed that Smith's wants to come and doesn't think the buffer matters to them. The buffer matters to Woodbury because their goal is to maximize their profit. Chair Peterson invited Taylor Woodbury to respond to the buffer issue. Mr. Woodbury stated that when they purchased the property, Marketview Drive was the road they anticipated would be the main access point to the property going forward. Woodbury has been paying for Marketview Drive since they purchased it in 2005. The RDA was not sufficient to generate tax revenue to cover the cost of the road, so Woodbury pays their bond obligation each year. The property is much different today with the contemplation of the light at 13970 South and the creation of the access point than it was when the property was purchased. The zoning ordinance previously was based off of a Marketview Drive access point. In looking at traffic patterns and the need to align roads with Redwood Road, Woodbury felt it would make more sense to put in 13970 South than to have the City take property through the middle of the block to line up with Market View Drive. He also did not believe that UDOT would have ever accepted a traffic light there.

Mr. Woodbury stated that during initial conversations with Smith's there was concern about making the property work from a traffic standpoint because of the overpass and the fact that UDOT was going to put a median on Redwood Road at some point to block off Market View Drive. Thus, Woodbury Corporation had serious concerns about what the access point would be, along with the commercial value of the property. He was very pleased when the traffic model was returned showing that 13970 South had the ability to accommodate the traffic flows that Smith's anticipated. When the model came back showing how to orient the site toward 13970 South, which solved the problem of being able to bring in a big box retailer to the property.

With regard to the buffer, Mr. Woodbury stated that they have squeezed in as much buffer as they can. He wished there was a compromise of even 20 feet, but the creation of a 20-foot buffer essentially creates a 137-foot buffer because there isn't a way to provide for development. With the parking demands that would be created by having Smith's as the anchor tenant, Mr. Woodbury asserted that there was no way to create a large buffer. Commissioner Pavlakis referenced Mr. Preece's comment regarding the timing and believes there is a way for both parties to get what they want. She believed that a higher wall and landscaping could be helpful for the adjacent properties. Commissioner Pavlakis then noted that the buffer goes away in 2023 and asked if the buffer area could remain as green space until then. Mr. Woodbury was not certain that the buffer goes away in 20 years because there is a difference between the RDA, the Development Agreement, and the ordinance that created the buffer. The ordinance does not expire.

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Mr. Pickell stated that the Development Agreement expires in 2018. Chair Peterson stated that the ordinance applies only to the subject property. Mr. Pickell added that the ordinance is a legislative matter. Mr. Woodbury acknowledged that he is a developer and is in the business to make money. The truth was that a developer doesn't get anything from a company like Smith's, except for the ability to develop around them. Once Woodbury accommodates Smith's requirements with the site work, the profit for the project becomes a wash. He was trying to capture value by accommodating Smith's on this site. He always anticipated the ability to develop on either side of the main entrance to the property. With Market View Drive, there is the ability to preserve the 100-foot buffer and develop both sides of the entrance, which is the most profitable portion of the property. By moving the road to 13970 South, unless the buffer goes away, the ability to develop on the key intersection is lost. Most businesses want to be by the intersection; however, a dentist has expressed interest in placing a dental practice in the buffer area. Developers have very little control over the businesses that choose to locate in their commercial site. In response to Chair Peterson's question as to whether the three commercial buildings on the south side are a make-or-break deal, Mr. Woodbury responded in the affirmative, asserting that they are necessary to make the plans work economically.

With regard to the question of subsidies provided by the City, Mr. Woodbury stated that the developer is not receiving any subsidy from the City. The City is part of the access plan and impact fees will be used to put in 13970 South, which will be a public road. There is no other money coming to Woodbury Corporation for this commercial development. Developing in the buffer is what makes this project "pencil out."

Commissioner Brockbank stated that the buffer could be partially accomplished if the road was moved and the road became the buffer. Chair Peterson stated that the problem with that suggestion is that it would not line up with the street on the other side of the crossroad, which has been deemed a problem by UDOT. Additional discussion with varied opinions ensued on why the street and traffic light need to be located where UDOT has designated. Commissioner Brockbank stated that if Smith's were to purchase some of the homes along there to change the road, it would be better than to have a killer deal. Chair Peterson countered by stating that he didn't see how Commissioner Brockbank's suggestion would improve the flow of traffic on Redwood Road. Commissioner Brockbank stated that it solves the buffer problem, which has been the overriding concern expressed tonight. If insisting on the buffer is a deal breaker, he believes his suggestion would be an alternative to the buffer problem.

Mr. Woodbury was willing to consider the height of the wall and the landscaping. He believed that a higher wall would seem more intrusive than green landscaping. Commissioner Pavlakis stated that the wall height isn't so much about what people see there as it is a safety barrier for the residents. Mr. Woodbury added that he also has to ensure that there is no light creep beyond the commercial property per the Bluffdale Lighting Standards. Mr. Woodbury stated that for ensuring appropriate traffic flow and installing four rows of parking, there has to be more than one drive lane through the parking lot. The buffer that is proposed in the design guidelines is what he thinks can be accommodated on the property.

Commissioner Wingate asked to view the slide that depicts the parking lot. He then discussed the height of the walls and trees and suggested the possibility of putting in a hedge along the wall as

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well, which would absorb sound and prevent people from going right to the wall and trying to climb over it. Mr. Crowell stated that there are a lot of different profiles that trees have, so there are landscaping options, but they would be limited to some extent by the landscaping space available and by the roof vault of the buildings. He added that a Landscape Architect would need to be consulted to make the best determination of what would work in the planting area.

In response to Chair Peterson's question regarding the distance from the wall to the back of the building, Mr. Woodbury did not know the exact distance, however, since there is a row of parking and a drive lane, it would probably be about 50 feet.

Mr. Woodbury next addressed questions regarding the signs. He stated that with the Internet, it is becoming increasingly difficult to make retail projects work, so LED signs are the current norm to enhance visibility for retailers. Signage on the road plants ideas in drivers' minds as they pass the signs each day. For example, Woodbury has completely revamped the signs at University Mall in Orem. In response to concern expressed regarding the ability of westbound drivers to see the names of the tenants at the bottom of the sign, Mr. Woodbury stated that he is cognizant of that concern and the sign is being built 80 feet high so that the drivers can see those signs as well.

In addressing drive-thru windows, Mr. Woodbury stated that the speakers are probably going to be on the Redwood Road side. He questioned whether it will be louder than the traffic on Redwood Road. Chair Peterson asked Mr. Crowell how much leeway the City would have in regulating drive-thru windows during the site plan approval process. Mr. Crowell explained that City's control would be limited because this proposal contains no Conditional Use Permits, so any buffering standards need to be addressed in conjunction with the proposed ordinance under consideration at tonight's meeting. The building permits will be handled administratively and not legislatively with the Planning Commission. Mr. Woodbury stated that he would be willing accept a recommendation regarding drive-thru window conditions. The proposed ordinance does address hours of operation.

Commissioner Brockbank noted that Mr. Woodbury has said that time is of the essence. He then asked what would happen if the City approved the elimination of the buffer and the residents decide to file a lawsuit against Woodbury. That would slow up the project, so he thinks it would make more sense to compromise now. Mr. Woodbury stated that his company does not have a reputation of being litigious, fighting with neighbors, or being unfair. He was committed to abiding by the law, so if there is something that he has missed, he was willing to acknowledge any mistake he may have made. He believed that in trying to move the Smith's project forward as quickly as possible, he has followed the process as specified in the City and State Code. Chair Peterson noted that change being proposed is of a City Ordinance, so that is an issue for the City Attorney.

Ms. Spahr asked who would benefit from the lease of the other buildings in the development. Mr. Woodbury identified the land Smith's is purchasing on a map displayed. She then asserted that Woodbury is the primary beneficiary of the other lots, not Smith's. Mr. Woodbury countered by stating that both Smith's and Woodbury are benefiting. Ms. Spahr stated that Smith's is the main anchor and it doesn't benefit from the other businesses. She additionally asserted that the surrounding businesses are profitable because of the draw that Smith's has on consumers in general; therefore, she opined that Woodbury stands to benefit and not Smith's.

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Ms. Bogden asked where the profitability of the property was under the original plans when the 100-foot buffer was included, and why it is different now. Chair Peterson stated that one of the reasons the property remained vacant so long with no anchor expressing interest was the lack of proper ingress and egress. The old Marketview Drive did not allow decent access for any anchor. The change to the traffic light allows for better traffic flow in and out of the property. Ms. Bogden reiterated her question of what has changed from the original plan. Chair Peterson reiterated his opinion that under the current layout, there is no draw for an anchor. Mr. Woodbury stated that he had the old site plan and Development Agreement so that people could see the issue he is faced with by having the road moved from Marketview Drive to 13970 South. It was contemplated that there would be retail on each side of Market View Drive, which would not affect the buffer, however, the change was needed to make it possible to place businesses at the front of the property.

Mr. Crowell referenced the question regarding the necessary right-of-way to make the intersection lighted on the west side. The City Engineer had been looking at that because it is not possible to design just half of a four-way intersection. The design work will have to be done in conjunction with the City's Capital Facilities Plan. It doesn't take into account having to buy a house. When an intersection is designed, the City has the same issue in communicating with UDOT. The City has state highways throughout the City that have conditions the City has to address with UDOT. The only place a traffic light can be located is at 13970 South and the street has to line up with the street on the other side of the crossroad. Speed limits, striping, and signage are out of the control of the City, even though the City does make suggestions to UDOT. Some suggestions are accepted; others are rejected. The traffic on Redwood Road will continue to increase. If construction of Porter Rockwell Boulevard over the river is successful, that street will mitigate the traffic problems. The corner of 13970 South and Redwood Road is the only intersection where UDOT will allow a traffic light between Maverick and Bangert Highway. Sidewalks are also important for pedestrian access and need to be considered for the west side.

Chair Peterson next asked about Mr. Lira's six-foot easement beyond his property line. Mr. Woodbury stated that he was unaware of that issue until Mr. Lira mentioned it tonight. He stated that he won't violate a current easement. A survey was in progress to confirm property lines, along with title work.

Mr. Crowell read the hours of operation specified in the ordinance, which include garbage collection.

Chair Peterson clarified that the role of the Planning Commission is to forward a recommendation to the City Council. Ultimately, the Council will determine the outcome of the proposal, regardless of the recommendation submitted by the Planning Commission. In addition, the Planning Commission can attach findings that will be considered by the City Council on December 9.

Ms. Robertson asked if a compromise would be possible with the traffic light. Chair Peterson stated that it will have two staggered lights and will be a UDOT issue. Commissioner Pavlakis also indicated that the proposed location is the only place UDOT will allow a traffic light.

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Kelly Thompson gave her address as 1674 Bethany Hills Cove and stated that the buffer is being treated as though it is a make-or-break deal. She opined that such is not the case because there are other options. The residents have offered to sell their homes to Mr. Woodbury, which would give him 10 additional acres for development. Chair Peterson asked Ms. Thompson how she knows that the buffer is not a make-or-break deal. She replied that Mr. Woodbury has the option of adding 10 acres to his development. Chair Peterson countered by saying that that is a totally different situation.

Norm Thompson gave his address as 1674 Bethany Hills Cove and stated that the size of the property is unchanged. He asserted that if Woodbury Corporation could have bought the property 10 years ago and make money on it with the buffer, they should be able to do so today. Discussion ensued on the width and location of the road.

There were no further public comments. Chair Peterson closed the public hearing and declared a five-minute break.

Commissioner Brockbank identified the following problems:

1. The buffer. Commissioner Brockbank stated that he doesn't believe the developer will adequately address the buffer concern unless forced to do so.
2. The sign. The applicant had addressed this issue to Commissioner Brockbank's satisfaction.
3. The traffic. Commissioner Brockbank did not believe this issue has been resolved, but the problem is beyond the City's control because the road is under UDOT's jurisdiction.

Commissioner Luker acknowledged that the buffer is the biggest issue. He believes the wall should be higher than the proposed six feet.

Commissioner Wingate stated that overall, the project is important because it will generate significant revenue for the entire City. He acknowledged that some homeowners are impacted. He recommended that efforts focus on making the project work by addressing the issues identified such as the possibility of a drive-thru speaker in a homeowner's back yard. Rather than a six-foot wall and 100 feet of grass, he would prefer to see an eight-foot wall and trees on both sides of the wall that Woodbury Corporation pays for. He also believes that compromises could be agreed on to make the project less intrusive to the neighbors without the 100-foot buffer. He believes a collaborative meeting of the Bethany Hills Cove residents and Mr. Woodbury should take place to resolve the concerns.

In response to a question raised by Commissioner Pavlakis, Mr. Pickell stated that there are two principal documents governing this project which are the Ordinance as it exists now and the Development Agreement, which is between the City and the developer. The Ordinance is a different issue because it is a document the City Council can amend through the normal legislative process if they deem it to be in the best interest of the City. He did not believe the documents create a property right as stated previously.

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Commissioner Pavlakis next indicated that Mr. Crowell met with the Bethany Hills Cove residents and Mr. Woodbury. She then asked if another meeting would be productive in resolving the issues. Mr. Crowell did not know but noted that the residents have been very adamant about the 100-foot buffer. There have also been discussions regarding the height of the wall. The residents also discussed the possibility of selling their property and having it rezoned Commercial. The discussion also touched on the irrigation systems.

Commissioner Pavlakis noted that during the break she learned that Smith's actually designed the layout of the subject property and are holding to that design. Commissioner Pavlakis felt that the City needs this development. Creating a win-win situation will take a lot of time, particularly in any work that takes place with UDOT. She stated that Mr. Woodbury has been limited because of UDOT and the design that Smith's has provided. Commissioner Pavlakis believed that the City needs the development but she did not know how to create a win-win solution.

Chair Peterson had mixed feelings about the project and expressed appreciation to the citizens present. He read through the packet carefully and spoke with hundreds of Bluffdale citizens. As Chair of the Planning Commission, he has the responsibility of doing what is best for and desired by the entire City. Regardless of what the City does, there will be both positive and negative effects for the citizens. As a result of tonight's public hearing, he had come to realize that the negative effect is bigger than he originally realized. He did not, however, believe it is enough to sway his decision.

Chair Peterson believed things could be done to ease the buffering situation. He believed Mr. Woodbury when he said that the proposed design is a make-or-break deal. Without this design, he cannot make money. Additionally, the property has sat vacant for many years and the City needs to grow. He acknowledged that this is a delicate situation. The change to the layout of the property has been dictated by the moving of the road, which has been dictated by the moving of the traffic signal. He then stated that he believes the buffer has to be reduced. He believes that an eight-foot wall with trees will serve the needed purposes of deterring crime and providing lighting and sound as well as a 100-foot buffer would. In summary, although this is a difficult situation, he believes the City needs to do what is beneficial for the masses rather than try to appease every person.

Discussion ensued on the details that need to be incorporated into the motion.

Connie Pavlakis moved to forward a positive recommendation to the City Council for the Gateway Redwood Zoning Text Amendments, Application 2015-55, based on the following:

Findings:

- 1. That this proposal will facilitate immediate development within the Gateway Redevelopment Area.**
- 2. That the zoning ordinance changes further the City's Economic Development goals found in the City's General Plan and Economic Development Strategic Plan.**

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3. That the proposed changes provide adequate guidance for future site development approvals.
4. That the proposed changes will not be detrimental to the health, safety, or general welfare of persons or property within the area.
5. That in 11.11A.12, item 2, one amendment be added that any speakers for any businesses be placed on the north side of the building.
6. That in 11.11A.12, item 3, an amendment be added as 3.a that specifies that the fence height shall be minimum of a ten-foot wall with appropriate landscaping, unless all adjacent property owners agree to a lower height.

James Wingate seconded the motion. Vote on the motion: Von Brockbank-Nay; Kory Luker-Aye; James Wingate-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed 4-to-1.

After the vote, Chair Peterson explained that the recommendation will go to the City Council at their December 9 meeting. The Council will have another public hearing and ultimately make the final decision.

5. **CONSIDERATION AND VOTE on a Preliminary and Final Plat for The Ranch Subdivision, Which Contains up to 20 Commercial Lots and a Proposed Vacation of a Portion of Market View Drive, a Public Street (This Access is Intended to be Replaced with a New Public Road at 13970 South). Bluffdale Marketplace, LC, Applicant.**

Kory Luker moved to forward a positive recommendation to the City Council on The Ranch Preliminary and Final Plat, which includes the vacation of a portion of Marketview Drive public street, Application 2015-58, subject to the following:

Conditions:

1. That the final construction drawings are reviewed and approved by the City Engineer prior to site construction.
2. That finalized access permits from UDOT are verified with the City prior to any construction requiring work on the State Highway.

Findings:

1. That good cause exists for the vacation of a portion of Marketview Drive and that the public interest or any person will not be materially injured by the vacation.

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2. **That 13970 South will replace the vacated portion of Marketview Drive as a more suitable access serving both the east and west sides of Redwood Road.**
3. **That the subdivision complies with City standards and the City's capital facilities plan.**
4. **The proposed changes will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

James Wingate seconded the motion. Vote on the motion: Von Brockbank-Nay; Kory Luker-Aye; James Wingate-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed 4-to-1.

6. **PUBLIC HEARING, CONSIDERATION, AND VOTE on a Preliminary and Final Subdivision Plat Application for Wood Duck Hollow Phases 1,2,3,4, and 5 for 32 Single-Family Residential Lots on the R-1-43 CRO Zone Located at Approximately 14300 South 1400 West, CW Management, Applicants.**

Associate Planner, Jennifer Robison, presented the staff report and presented photographs. She explained that this is the last phase of the Spring View Farms development that was approved in September 2005. This phase consists of 23.42 acres. The applicants were asking for preliminary and final approval of the plat for all 32 lots. The homes will be phased in and the plats for each phase will be recorded as construction progresses. Mrs. Robison reviewed the phases and identified their locations on the map. It was noted that a wetland area is located in Phase 3. Mrs. Robison noted that the two lots in Phase 5, Lots 501 and 502, merit the attention of the Planning Commission because the elevation of the road created the need for a shared driveway. Mrs. Robison noted that all of the phases meet the requirements of the Development Agreement. The project also meets the requirements for the length of cul-de-sacs. There will be a stub to a parcel of property that is under separate ownership to allow access to the property in the future. It will allow for a temporary turnaround.

Mrs. Robison reviewed some of the conditions contained in the staff report. In particular, staff requested that all of the water shares be dedicated at the time the first plat is done for accounting purposes. It may not be economically feasible to do that so staff would be agreeable to requiring the developer to provide adequate water shares as each final plat is submitted to the City for recordation. Mrs. Robison reported that she received a geotechnical analysis, which would be forwarded to the City Engineer for review. She would like that recommendation to remain.

In response to Chair Peterson's question regarding how the secondary water shares will be distributed to the properties, Mrs. Robison explained that there is a plan to provide pressurized water to serve several different areas.

Chair Peterson next inquired about the shared driveway. He recalled that there are more stipulations for a shared driveway than are indicated in the staff report. Mrs. Robison explained that it needs to have an all-weather surface. Mrs. Robison confirmed that the shared driveway is in compliance with City Ordinances. Chair Peterson then asked if the lot with the shared driveway

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will have any issues with setbacks and orientation of the homes. Mrs. Robison responded that there are specific CC&Rs that will regulate those issues. The setbacks that are part of the zone will still have to be met.

In response to Commissioner Pavlakis' question regarding responsibility for snow removal, Mrs. Robison stated it is a private driveway, so the owners will be responsible.

Discussion ensued on the grade of the driveway to the house on Lot 501. It is quite steep, which is why there is a shared driveway. The Fire Chief had given his approval for this lot.

In response to Commissioner Brockbank's question regarding the water shares, Mrs. Robison explained that there have to be three acre-feet per developed acre. The water shares are based on the total acreage of the subject property.

Chair Peterson opened the public hearing.

Debbie Holt gave her address as 14353 South 1690 West and asked if there is going to be a park and pond as promised when the area was first being developed. The pond has not been included in the other subdivisions in Spring View Farms. She did not like the idea of walkways in other people's back yards. She also noted that she was told that this was supposed to be a gated community and asked if that is still going to happen. Her concern was predicated upon the fact that she still wants to be able to raise animals on her property. Chair Peterson assured Ms. Holt that nothing will change for her because the neighboring homes will have to meet the setback requirements.

With regard to Ms. Holt's question regarding the routing of water lines, Chair Peterson explained that easements are necessary for infrastructure, so if her property has no easements, she will be unaffected. Ms. Holt stated that there is a 30-foot easement in front of her property and she was upset that nobody from Bluffdale City notified her it. In addition, there used to be an irrigation ditch in front of her property, but it has been covered, so she cannot allow her irrigation run-off to go into the ditch. Chair Peterson explained that property owners are responsible for containing their own irrigation water on their property.

Returning to the issue of parks and ponds, Chair Peterson stated that the developer needs to meet the open space requirements in a CRO zone. The Ordinance does not stipulate the type of open space. As for other details, developers have the prerogative to change their minds as long as the changes don't contravene the Development Agreement or City Ordinances.

At Ms. Holt's request, Chair Peterson explained the history and purpose of the CRO zone.

Chris McCandless gave his cell phone number as 801-597-4575 and identified himself as the developer from CW Management Corporation. He was purchasing the subject property from Johnny Loumis, Jr. He suggested that if people have questions about what is actually going to happen with the property, they should call him. He emphasized that CW Management Corporation is the owner of the properties and the master developer. Mr. McCandless next gave a history of the

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project, which consists of 261.47 acres, not including the five acres that were purchased as a wetlands preserve, for which he is in the process of obtaining a conservation easement on. In addition, there is a parcel 21.33-acre parcel called the Loumis Preserve, which was sold to Salt Lake County. Therefore, the total acreage of the project is 289.3 acres, not including the non-qualifying parcels of property.

Mr. McCandless then noted that not counting the non-qualifying parcels, 52.8% of this site is dedicated open space in perpetuity. There is nothing like that in Salt Lake County. Part of the Development Agreement that was signed years ago specified that there would be clustering so that the developers could preserve the 153-acre park. Mr. McCandless stated that the value of the 153 acres is estimated at a value of about \$15 million. There are several ponds associated with this project. The next piece of open space is the eight-acre area designated at Parcel A. The intention is to develop that land in perpetuity as the Spring View Farms Migratory Bird Refuge.

With regard to the pressurized irrigation, Mr. McCandless stated that he is working with the City Attorney to coordinate installation of a pressurized irrigation system that will feed the entire Jordan Valley West Area. He assured Ms. Holt that she will still maintain her irrigation rights. Title research on the piece of property referenced by Ms. Holt showed that there is no permanent easement associated with her property. Mr. McCandless will not run any pipes across her property and will not affect her property at all. The Holts have rights to their irrigation water and that will not change; however, he will not be responsible for providing them with pressurized irrigation water. Mr. McCandless concluded by stating that his company has invested millions of dollars in this property and has received national recognition for developing it and preserving what is beautiful about it.

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

Commissioner Wingate planned to abstain from the vote since CW Management contributed to his campaign for City Council. That said, he stated that he believes the property meets the character of the rest of Spring View Farms.

Brad Peterson moved to forward a positive recommendation to the City Council on the Wood Duck Hollow Phase 1, 2, 3, 4 and 5 Preliminary and Final Subdivision Plats, Application 2015-49 subject to the following:

Conditions:

- 1. That all requirements of the Bluffdale City Code, Master Development Agreement, and adopted ordinances are met and adhered to.**
- 2. That all plats 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 final plat recording of each phase.**

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3. **That the project adheres to all requirements of the International Fire Code and approval of the Fire Chief.**
4. **The developer shall provide adequate water shares as each final plat is submitted to the City for recordation.**
5. **That the secondary water system originally approved by the City Engineer in conjunction with Sage Estates 1 and 2 shall be completely constructed by the developer. Approved drawings of the secondary water system should accompany final construction drawings for all phases of the subdivision.**
6. **That geotechnical analysis be complete and a report be provided to the City Engineer prior to any preconstruction activities.**
7. **That a wetland delineation from the Army Corp. of Engineers be provided to the City prior to recording the final plat for Phase 1 of the subdivision.**
8. **That for each building permit submittal, the City requires a certification in the form of a grading and drainage plan for each lot, stamped and certified by a professional engineer. This should be submitted with the site plan and building permit. No building permit shall be issued without this.**

Connie Pavlakis seconded the motion. Vote on the motion: Von Brockbank-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. James Wingate abstained. The motion passed unanimously.

7. **PUBLIC HEARING, CONSIDERATION, AND VOTE for a Fish Hatchery as a Conditional Use as Defined in Title 11-2-2 in the Bluffdale City Code, at Approximately 14551 South 790 West, Kinneret Investments, Applicant.**

Mrs. Robison presented the staff report and indicated that a fish hatchery is an allowed conditional use in the HC zone. She then identified the location of the subject property. Chair Peterson noted that the lake at one point was proposed as the site for a wakeboard park. Mrs. Robison next reviewed the definition of a fish hatchery, as indicated in the City Ordinance. She stated that the proposed fish hatchery meets the requirements of that definition for a conditional use. The site already has greenhouses, parking areas, and an office. The current owner of the property inherited the property from his father, who understood that all of the approvals were in place. He, however, had not been able to provide evidence that those approvals were given and is now in the process of securing the necessary approvals in order to obtain a business license and operate legally.

Mrs. Robison stated that the applicant has been very cooperative throughout the process. The applicant is not adding any more impact to the property; instead, he wants to ensure that he is in conformance with City Ordinance. The owner has a retail store from which he sells the fish he raises in the hatchery. Currently there are fish in the pond. The owner inherited the business from

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his father, who had been operating since 1970. The lake is natural and created by hot springs that protect the type of fish the owner wants to raise.

In response to Chair Peterson's question regarding the water ownership, Mrs. Robison stated that the applicant owns the land and the water.

In response to Commissioner Wingate's question regarding the email sent by Ed Golub, Mrs. Robison stated that during the noticing process, people were given the opportunity to respond by email or by direct contact. Mrs. Robison forwarded Mr. Golub's email to the Planning Commission Members so that it would be part of the public record.

It was noted that the applicant was not in attendance.

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

In response to a question raised, Mrs. Robison clarified that a fish hatchery is a permitted conditional use, which is the determination before the Planning Commission. Conditions may need to be imposed to mitigate negative impacts.

In response to Commissioner Wingate's question about whether there is a historical record of complaints about the fish hatchery, Mr. Crowell stated that he had spoken with a neighbor to the south who was well aware of the business and did not express any objection. Mr. Crowell had not received any concerns from the Animal Control Department.

In response to Commissioner Luker's question about the type of fish raised at the hatchery, Chair Peterson indicated that they are tropical fish.

Connie Pavlakis moved to approve the conditional use application for a Fish Hatchery for Kinneret Investments, LLC, Application 2015-52, subject to the following:

Conditions:

- 1. That all requirements of the City Code are met and adhered to for this conditional use permit.**
- 2. That a notice of approval is recorded with the property as required by the City Code.**
- 3. That the applicant obtains approval of a City business license for the business operation.**
- 4. That a revised Site Plan Application for any expansion of the business on the property in the future be reviewed and approved by the City.**

Findings:

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1. **That this application meets the requirements for a conditional use permit approval as found in the City and State Code.**
2. **That the proposed conditional use permit will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

Kory Luker seconded the motion. Vote on the motion: Von Brockbank-Aye; Connie Pavlakis-Aye; James Wingate-Aye; Kory Luker-Aye; Brad Peterson-Aye. The motion passed unanimously.

8. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Proposed Preliminary and Final Subdivision Plat for Bluffdale Heights Phase 4, an 8-Lot Subdivision with a Public Park and a New Public and Private Street, Located at Approximately 700 West 15200 South, Ken Milne, Applicant.

Mr. Crowell presented the staff report and stated that the subject property is unique because it was originally a commercial subdivision that was not successful, so it was converted to residential. In 2012, the City Council approved a phasing plan and preliminary and final plats for the entire project. Phases 1, 2, and 3 have been recorded, along with the installation of a public park and work on a detention basin. Phase 4 was intended to have five lots and a detention basin, however, a sliver of land between Porter Rockwell Boulevard and this project existed, and the City Council suggested that it could be incorporated into this project in some way to put the land to use. As a result, the new proposal seeks to go to the northern end of the property line, reconfigure the detention basin and make it a public park, add additional lots to the section of private right-of-way, and thereby incorporate this land into the new subdivision. In 2012 it was anticipated that 51 lots would be placed on the project. The new proposal increases that number to 55.

The public park envisions the detention basin so that the land serves two functions. There will be some parking and some private access to the last set of lots. Mr. Crowell stated that staff recommends approval.

In response to Commissioner Wingate's question regarding Parcel A, Mr. Crowell stated that a portion of it is the City's as a detention basin. The remainder will be public but will shaped into a passive park that will not have structural amenities. It will have some parking, as well.

In response to Commissioner Brockbank's question about to whether the developer is paying to develop the park, Mr. Crowell indicated that the developer is paying for the landscaping improvements and any required grading to get the detention basin into its final shape.

In response the Chair Peterson's question regarding who will be responsible for snow removal on the private drive, Mr. Crowell stated that it will be the responsibility of the HOA. The City is not obligated to plow private sections.

Chair Peterson opened the public hearing.

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Adam Haymond gave his address as 15204 Skyfall Drive, which is the southernmost lot. He stated that part of approving Phase 4 will be continuation of the wall requested by the City to be built around the subdivision. Mr. Haymond was originally excited about the wall, but he considered it to be far inferior to what he believes it should be. It is about a four-inch cinder block covered with stucco on one side. Every several feet there is a column with rock fascia. He contacted the City several times because the wall is built inside his property line. Mr. Haymond next indicated that the City is seeking to build a fire station next to his house. Thus, there will be a lot of construction there. Mr. Haymond then stated that the developer, Ken Milne, had told informed his builder not to even lean a shovel against the wall because it is built so "highly." There has been settling of the ground and cracks have formed in the stucco and it is flaking off. In addition, the rock fascia is falling off and shattering. As a result, there is an inferior wall around the neighborhood that could be a really nice place. Apparently Mr. Milne does not plan to finish the other side of the wall, so it is very unsightly.

Mr. Haymond was also concerned that when construction begins on the fire station and dirt is moved, the condition of the wall will become even worse. He believed that either the City or Mr. Milne should tear the wall down and build one that is of higher quality. There are other residents who are impacted by the fence, as will some of the residents in the other proposed residential areas.

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

Chair Peterson asked Mr. Crowell if he has access to the information that provides the agreed-upon specifications for the wall referenced by Mr. Haymond. Mr. Crowell stated that it was in the Development Agreement. He did not believe the Development Agreement was specific on the architectural nature of the wall. Chair Peterson clarified that if the Development Agreement includes the specifications of the wall and the current wall doesn't meet those specifications, he would not be supportive of allowing more development to take place until the wall is fixed. Mr. Crowell found the information Chair Peterson requested and read it. The Development Agreement states that "the developer shall construct a six-foot masonry stucco or pre-cast wall on the south side of the project and on the north side of the project adjacent to the mink farm. . . . The City and the developer shall split evenly the cost of the wall on the west side of the project." With regard to the architectural standards, Mr. Crowell stated that if the wall is six feet and if it is masonry stucco or pre-cast, it meets the requirement of the Development Agreement.

In response to Commissioner Brockbank's question about to whether the Development Agreement specifies who is responsible for maintaining the wall, Mr. Crowell responded in the negative.

In response to Chair Peterson's question regarding the City's obligation once the wall is built, Mr. Crowell indicated that it is not the City's wall and presumably becomes part of the homeowner's lot. City Code does not address maintenance of stucco on masonry walls. Chair Peterson next asked if there is an architectural committee or a building inspector that has to sign off on projects before they are granted occupancy permits to ensure that the product is of acceptable quality. Mr. Crowell indicated that in many cases, there is such an inspection. A building inspector

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would not, however, deal with a subdivision requirement for a wall. Engineering inspectors deal with public infrastructure. Mr. Crowell noted that all the City can enforce is whether the minimum requirements have been met. He explained that the process for the west wall took longer because of grading issues the City had to address. The Subdivision Ordinance doesn't require walls to be constructed unless a hazardous condition exists. The Architectural Control Committee deals only with the homes for this project and falls under the purview of the developer, not the City.

Chair Peterson explained to Mr. Haymond that when the City puts in provisions, they are primarily to address safety and noise and not aesthetics. Since the developer has met the requirements specified in the Development Agreement, the City is limited in terms of what it can do. Mr. Haymond thanked Chair Peterson for the clarification and stated that he might take a Bobcat and tear down the wall. Discussion ensued on whether Mr. Haymond could legally remove the wall. It was noted that there are no HOAs or CC&Rs governing the wall. Mr. Haymond reiterated that the wall is on his property. Commissioner Wingate interjected that care needs to be taken with what the Planning Commissioners say because they are not attorneys. The City Attorney was not present to offer a legal opinion.

In response to Commissioner Pavlakis' question as to who built the wall, Mr. Haymond stated that his understanding was that it was a relative of Mr. Milne.

Chair Peterson thanked Mr. Haymond for sharing his concerns since the Planning Commissioners assume that contractors are going to do quality work. If that is not the case, the Planning Commissioners want to hear about it so that they can put in conditions.

Commissioner Brockbank asked if Mr. Haymond's concerns will affect the approval process for the proposed project under consideration. Chair Peterson stated that given the nature of the proposal, he did not believe the issue could have a bearing on the Planning Commission's decision. Commissioner Wingate suggested that a condition be included to specify that the wall has to be built to industry standards. Commissioner Brockbank agreed. Mr. Crowell stated that the Development Agreement is a two-party agreement between the City Council and the developer. The Planning Commission could approach this issue from the perspective of the Subdivision Ordinance. Chair Peterson stated that the Planning Commission could insert a condition that the existing wall has to be improved, and leave it to the City Council to accept or reject the recommendation.

Mr. Crowell's advice was for the Planning Commission to review the application based on the standards in the ordinance that apply to the application. If there is a default under an old agreement, the City could address it on its own. The City Ordinance doesn't speak to aesthetics, defects in material, or workmanship. Mr. Crowell noted that warranty for defects in material for curb and gutter lasts for only one year. Applying that standard to the wall, the one-year mark has long since passed. Chair Peterson was not inclined to vote for the continuation of a project if past history shows that the workmanship has not been high quality.

Commissioner Pavlakis asked Mr. Crowell how the City should proceed to ensure that the next wall will be built to a better standard. Mr. Crowell suggested encouraging the builder to try different

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materials that still meet the Development Agreement. Mr. Haymond interjected that the wall has not even been completed.

Chair Peterson noted that the west wall is a 50-50 deal between the City and the developer and asked if a higher expectation could be placed on the quality of that wall. Mr. Crowell said that would require some legal advice.

Chair Peterson re-opened the public hearing.

Ken Milne gave his address as 13037 South Galloway Cove, in Riverton, and identified himself as the developer. Mr. Milne identified on the map displayed the walls that are part of Phase 1. He explained that the Development Agreement requires a masonry wall with each phase. Thus far, a wall has been built for Phases 1 and 2. Mr. Milne acknowledged that due to weather, there are parts of the wall that have not been completed and portions have popped off. The wall on the south side is not complete yet. When the boulevard was put in, it cut into the property. His intent was to build a complete wall at the same time instead of putting it together piecemeal. The materials will be similar, masonry and stucco, but it will be a little different because a retaining wall was necessary where a high pressured gas line runs north and south on the property. Stone caps are missing in places because they are the last thing masons install. There are pillars that are not complete on the southern wall, which is not complete. When the entire wall is ready to be completed, he will have the problem areas repaired as well.

In response to Commissioner Pavlakis' question regarding the quality of the wall, Mr. Milne said that the quality is good. If there is flaking, he will fix those issues. There is only a 12-month warranty and the wall that has problems was built more than 12 months ago. With regard to Mr. Haymond's property, Commissioner Pavlakis noted that he has to live with that wall every day. She then asked if Mr. Haymond's fence would be fixed when the rest of the walls are completed in spite of the warranty. Mr. Milne had no idea what Mr. Haymond was talking about when he speaks of the flaking stucco. Mr. Haymond's wife texted Mr. Milne about the stone pillars and Mr. Milne said they would be completed when the contractor comes back.

When Commissioner Pavlakis asked if the popping off of the stones was dangerous to children, Mr. Milne said they are synthetic so there is no risk. With regard to the stone pillar referenced by Mr. Haymond, Mr. Milne stated that it has not been completed and the mortar is not yet in place. Mr. Milne has a mason contractor from Arizona doing the masonry and stone work, so when Phase 3 is ready, he will have the contractor come and finish the stone work that is not completed in conjunction with the 1,500 feet of wall. Mr. Milne added that he has had only one person complain to him about the wall.

When Commissioner Pavlakis asked Mr. Crowell if there is a timeline for when the west area will be repaired, he responded in the negative. Mr. Milne had been working with the City Engineer. Mr. Milne said that it is difficult to sell lots without the wall in place because prospective owners don't want to be exposed to the boulevard. He has the funds and contractor available to build the wall as soon as the land is ready. He had walked the fence line with the Mayor, Mr. Crowell, the City Engineer, and other members of staff to determine what needs to be done. He was anxious for

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the grading problem to be resolved. Mr. Milne even offered to fix the problem and bill the City, but the City Engineer said it was the City's problem and the City needs to resolve it with the contractor that mistakenly brought the boulevard onto Mr. Milne's property.

Commissioner Brockbank noted that if the wall hasn't been completed, the warranty hasn't taken effect yet, regardless of what has been put in thus far. The warranty applies to the completed wall. Mr. Milne stated that the walls are not completed, but they will be. He was anxious to get going on Phase 4, but the City still has obligations that need to be met. In addition, each phase cannot be approved without a wall, so the City's responsibility with regard to the grading problem needs to be resolved in a timely manner.

Commissioner Pavlakis had a difficult time listening to the citizens comment because she knows Mr. Milne stands behind his products. She was very surprised to hear that Mr. Milne hasn't completed one of his products. She expressed empathy for the concerns expressed by the citizen.

In response to Chair Peterson's comment regarding the wall problems previously expressed, Mr. Milne stated that the wall is not complete and he needs to inspect and verify the flaking of the stucco. Additionally, he did not believe that concern has any bearing on the approval of Phase 4. Chair Peterson stated that to him it does because if Phase 3 isn't done and Phase 2 doesn't look good, he is reluctant to approve Phase 4. Mr. Milne countered by stating that the City is holding him hostage on Phase 3 because they haven't done their part.

In response to Commissioner Brockbank's question about whether Mr. Milne will have a problem if he bonds for the fence, Mr. Milne responded in the negative. Commissioner Brockbank stated that a bond would be a fair solution so that Mr. Milne can proceed with Phase 4 since the holdup isn't totally his fault. Mr. Milne was confident that the City will do its part. Commissioner Pavlakis did not want to see Mr. Milne's project held up because it is not entirely his fault. She then thanked Mr. Milne for sharing the full picture of the issues at hand.

Mr. Haymond stated he has asked Mr. Milne to fix the problem amenably, but Mr. Milne hasn't done so. Consequently, their relationship has deteriorated. Mr. Haymond's intent was to try to get the City to require Mr. Milne to take care of the problems in Phase 1 before proceeding any further.

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

In response to Chair Peterson's question regarding how bonds work, Commissioner Brockbank explained that a performance bond protects the City by requiring the contractor to provide the funding in advance so that if the contractor doesn't do the job, the City can hire someone else to do it. The incentive to the contractor is that he gets the money back if he does the work. Commissioner Brockbank confirmed that Mr. Milne has a good reputation in the building business and was surprised by the concerns expressed. He understood, however, that differences of opinion are inevitable. Commissioner Brockbank added that the bond will also motivate the City to fulfill its obligations.

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In response to Chair Peterson's question about what the dollar figure should be, Commissioner Brockbank stated that it would depend on the square footage of the fence. He recommended using a performance bond rather than placing a dollar amount on the bond.

Chair Peterson recommended comfortable tabling this issue because he would like to see the site first and get numbers in the meantime. Discussion ensued on the available bond options.

Mr. Crowell noted that this issue is unclear because it's not a public improvement. Instead, it's a subdivision requirement. The extent to which the Development Agreement can be enforced is also unclear. Mr. Crowell asked if the suggested bond would be placed on the subdivision approval under consideration or under a previous approval. He recommended that it be placed on the approval under consideration because Phase 3 has been approved and recorded. Plus, the City has pending obligations in conjunction with Phase 3.

Commissioner Wingate stated that it makes sense to bring in the masons one time to do the job instead of multiple times. If a job starts too late and bad weather begins, it is not the fault of the homeowner. He believes the developer has to eat that cost and make the mason come in multiple times if necessary to fulfill the conditions required of each phase along the way, except for the part where there is a dirt problem and City is also involved.

Mr. Crowell clarified that contractually the City doesn't withhold future approval of the remedy to a contractual violation until the City determines that someone is in default. At this point, the City doesn't believe Mr. Milne has caused a default. In addition, the City is not involved in private real estate contractual transactions.

Von Brockbank moved to forward a positive recommendation to the City Council for the Bluffdale Heights Phase 4 Revised Preliminary and Final Plat, Application 2015-44, 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 requirements from the Development Agreement are adhered to.**
- 3. That all requirements of the City Engineer are adhered to and plans are amended as necessary prior to the pre-construction meeting for the project.**
- 4. That all requirements of the Fire Chief are adhered to.**
- 5. That all building permit submittals for homes have written or stamped approval from the Bluffdale Heights Architectural Committee, pursuant to the requirements of the Development Agreement, prior to being submitted to the City.**

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City Planner/Economic Development Director, Grant Crowell, presented the staff report and stated that this is a legislative issue about what uses are allowed in particular zones. The applicant has been quite successful in leasing his properties in the I-1 zone. It was discovered that for some reason, automotive service is not allowed in the I-1 zone, but is allowed in the Commercial Zone. Additionally, there are several automotive businesses currently in business in the I-1 zone, so not including automotive service in the I-1 zone was probably an unintended oversight. The applicant informed Mr. Crowell that there are some print shops operating, or have operated in the past, so the applicant would also like to have them included as allowed uses. Allowing the uses in the I-1 Zone will help property owners make use of their property. During the public comment period, an individual expressed the desire to include indoor recreation and entertainment to the list of allowed uses. The Public Notice was too specific to allow consideration of indoor recreation and entertainment at tonight's meeting.

Mr. Crowell next reviewed a zoning map of the City and noted that the industrial zones are on the east side of the City. Mr. Crowell observed that the uses in I-1 and HC zones are quite similar. He then reviewed the I-1 Use Table.

Chair Peterson opened the public hearing.

Josh Pitts gave his address as 5798 West Goldstone in South Jordan. He complimented Mrs. Robison, for her helpfulness. What Mr. Pitts is proposing for the property is an indoor archery range and a repair shop for bows. The proposed site has proven to be ideal, so Mr. Pitts was asking that the Allowed Use Table for the I-1 Zone be amended to allow his business on the property.

In response to Commissioner Pavlakis' question about whether the archery range would expand to be an outdoor facility as well, Mr. Pitts responded in the negative and emphasized that it would be an indoor facility only. The proposed indoor archery range will be the largest in the Valley, perhaps even in the entire State. The location is perfect because it is right off the freeway. Even though indoor recreation and entertainment cannot be considered tonight, Mr. Pitts wanted to get the Planning Commission's perspective since the building owner wants to get a sense of whether the request can move forward. Mr. Pitts has contracts in place and was anxious to get on the agendas in early January.

Chair Peterson expressed his support for the proposal. Mr. Crowell thought it was highly probable that the City Council will support the request.

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

Kory Luker moved to forward a positive recommendation to the City Council for the proposed text amendments to add Automotive Service and Printing Shops as permitted uses in the I-1 Zone, Application 2015-56, based on the following:

Findings:

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1. That the proposed amendments will allow for the efficient development of existing and future industrially zoned property and will potentially decrease vacancy rates.
2. That the proposed amendments will bring any existing nonconforming automotive service or printing shops into zoning compliance.
3. That the proposed amendments preserve the intent of the zoning ordinance for the I-1 zone.
4. That the proposed amendments will not be detrimental to the health, safety, or general welfare of persons of property within the community.

Connie Pavlakis seconded the motion. Vote on the motion: Kory Luker-Aye; Connie Pavlakis-Aye; Von Brockbank-Aye; James Wingate-Aye; Brad Peterson-Aye. The motion passed unanimously.

10. **City Council Report.**

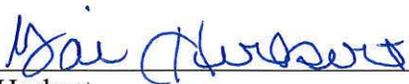
Mrs. Robison stated that the City Council will be considering changing its start time to 6:00 p.m. The Planning Commission, however, cannot change its meetings start times to 6:00 p.m.

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

There was no discussion on this agenda item.

12. **Adjournment.**

The Planning Commission Meeting adjourned at 1:02 a.m.



Gai Herbert
Community Development Secretary

Approved: January 6, 2016