



**AGENDA  
BLUFFDALE CITY PLANNING COMMISSION  
MEETING**

**April 6, 2016**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, April 6, 2016**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

**PLANNING COMMISSION BUSINESS MEETING 7:00 PM**

1. Invocation and Pledge.\*
2. Public comment (for non-public hearing items).
3. Approval of minutes from March 16, 2016 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION AND VOTE** on proposed amendments for the Bluffdale City Land Use Ordinance, Title 11, Chapter 11, Special Purpose and Overlay Zones, to create a new zoning ordinance category, Special Development (SD) Zone; TBP 147, LLC, applicant.
5. Discussion Item: Residential Parking Standards.
6. City Council Report.
7. Planning Commission business (planning session for upcoming items, follow up, etc.).
8. Adjournment.

**Dated: April 1, 2016**

Grant Crowell, AICP  
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.

\*Contact Gai Herbert if you desire to give the Invocation.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

**Present:**

**Members:**     **Connie Pavlakis, Vice Chair**  
                  **Johnny Loumis, Jr. (excused from meeting at 9:33 p.m.)**  
                  **Kory Luker**  
                  **Von Brockbank**

**Excused:**     **Brad Peterson**  
                  **Nick Berry**

**Others:**     **Grant Crowell, City Planner/Economic Development Director**  
                  **Jennifer Robison, Senior Planner**  
                  **Gai Herbert, Community Development Assistant**

**BUSINESS MEETING**

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

**1.     Invocation and Pledge.**

Johnny Loumis, Jr., offered the invocation.

The Pledge of Allegiance was recited.

**2.     Public Comment.**

Elliott Mott, a West Valley City resident, reported that he visited with the Planning Commission about one year ago with regard to the Jordan River Parkway. He expressed appreciation for the bike lanes that have been provided in Bluffdale and stated that he has mapped the areas where people can float the Jordan River between Utah Lake and the Great Salt Lake. The second access point is at 13850 South at Jordan Basin Lane near the Sewer District offices. The access is gated. He stated that a change in the location of the gates would be appreciated. In response to a question raised, Mr. Mott stated that he has not approached the Sewer District directly. He has, however, done so indirectly as he is a member of the Jordan River Advisory Commission. Commissioner Loumis did not think the gates at 13850 South would be changed.

Commissioner Loumis next asked Mr. Mott about the road from the ballpark. Discussion ensued on the jurisdiction of the trail to the river from Rock Hollow Drive. Commissioner Loumis thought the area was wide enough to construct a road next to the trail to access the river and suggested that Mr. Mott pursue that option rather than the Sewer District. It was noted that because it is County property, it may be possible to put a road there to access the river along with parking stalls.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

In response to Vice Chair Pavlakis' request for direction on how the Planning Commission should respond to Mr. Mott's concerns, City Planner/Economic Development Director, Grant Crowell, stated that the City does not have an active Parks and Trails Committee so that is not a viable option. With regard to the gate, Mr. Crowell suggested that Mr. Mott speak with the Mayor to see if he has any insights on that option. Mr. Crowell reported that the County has been studying the water trail and recommended Mr. Mott speak with the County's Parks Department about the area around Parry Farms. Commissioner Loumis recommended Mr. Mott speak with the owners of the property where the Parry Farms access is to determine if parking spaces could be constructed.

Ulises Flynn gave his address as 15192 South Skyfall Drive and addressed the property near Smith's Marketplace. He asked for clarification on whether the wall size specified between the residential and commercial property is 10 feet. Mr. Flynn noted that the City ordinance doesn't specify what the height of the wall should be between residential and commercial. He recommended that the Planning Commission consider making a change to the Code to set a precedent for when commercial development is proposed next to residential.

Vice Chair Pavlakis explained that the process for making changes will involve the Planning Commission's request to staff to develop an ordinance that addresses Mr. Flynn's suggestion. Mr. Crowell explained that the new ordinance would not apply to projects that already have development agreements in place. He stated that a development agreement is a contract between the City and a property owner. It establishes the owner's land use rights and is a supplement to the zoning requirements.

Mr. Crowell noted that the 10-foot wall for the Smith's Marketplace property was extraordinary. The typical height requirement is around six feet, but other factors, such as landscaping, are also factored in. Mr. Flynn urged the Commission to seek citizen input on height requirements in order to address future development. Mr. Crowell explained that the cost difference between a six-foot and a 10-foot wall is substantial and is the responsibility of the property owner. Commissioner Loumis added that a 10-foot wall also acts as a noise barrier.

Mr. Flynn asked about the possibility of posting "Dead End" signs on Skyfall Drive. Mr. Crowell suggested that Mr. Flynn address the matter with City Engineer, Michael Fazio.

There were no further public comments. Vice Chair Pavlakis closed the public comment period.

**3. Approval of Minutes from the March 16, 2016, Meeting of the Planning Commission.**

**Connie Pavlakis moved to approve the minutes from the March 16, 2016, meeting of the Planning Commission, as amended. Johnny Loumis, Jr., seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Von Brockbank-Aye; Connie Pavlakis-Aye. The motion passed unanimously, with one abstention. Kory Luker abstained from the vote as he was not present at the March 16 meeting.**

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

**4. PUBLIC HEARING, CONSIDERATION, AND VOTE on Proposed Amendments for the Bluffdale City Land Use Ordinance, Title 11, Chapter 11, Special Purpose and Overlay Zones, to Create a New Zoning Ordinance Category, Special Development (SD) Zone; TBP 147, LLC, Applicant.**

Mr. Crowell presented the staff report and stated that the proposed amendments have been discussed for several years within the context of the Bluffdale General Plan. He stated that there is a precedent for what the applicant is requesting, such as provision for property exceeding 500 acres in the Mixed Use or CRO zones. Mr. Crowell noted that the applicant is proposing to create an ordinance and a subdivision using the proposed ordinance. Staff focused on the ordinance to receive guidance on how to proceed.

Mr. Crowell stated that it is a policy decision to determine how unique parcels of property can be developed. In such cases, a specific zoning ordinance can be written for a particular piece of property. The zoning ordinance can address all elements of the development of the property, whether it is residential or commercial. Mr. Crowell noted that the Gateway Redwood project is a specially zoned district because the zoning and rules apply only to that specific project. In commercial areas, signage, architecture, and lot coverage are among the first things that are negotiated. An industrial area would be similar. In developing an ordinance, the City needs to determine what is important and then the minimum standards that address such issues as density, lot size, site plan, streets, circulation, open space, architectural requirements, design theme, parks, and trails. The General Plan is a guiding document, rather than prescriptive, in developing a zoning ordinance. Mr. Crowell believed that flexible subdivisions should find a place in the City's zoning ordinance because properties are unique. It is, however, up to the Planning Commission and City Council to make those types of determinations.

Commissioner Loumis stated that the City has to be careful with trail connections going forward because as the City developed and adhered to one-acre zoning, they lost several possibilities for trail connections.

Vice Chair Pavlakis referenced the City-wide noticing requirements when discussions on land use ordinances or zoning take place. She noted that since the current discussion relates to adding a zone that is subjective and impacts the entire City, it might be better to table the matter so that City-wide noticing can occur before the proposal is considered. Mr. Crowell reported that he followed the State statute and City ordinance for this agenda item. The City provided notice as well on the Utah Public Notice website and in *The Salt Lake Tribune*. Senior Planner, Jennifer Robison, added that there is a list of certain affected entities that need to be notified as well.

In response to Commissioner Brockbank's comment that the present proposal will change the General Plan, Mr. Crowell clarified that the zoning text amendment does not change the General Plan because general zoning changes, such as the current proposal, are not specific to a geographic location. If the zoning changes are adopted, further proposals would be noticed to entities within a 1,000-foot radius. Mr. Crowell stated that if an applicant wants to change the zoning of their property, a specific geographical mail-out notice for the application would take place. The current

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

proposal is just for an enabling zone that is not designated for a specific parcel of property. As a result, the zone would be in the City Code, waiting for an application at a specific location. At that point, the neighbors would be noticed as part of the approval process of the zone change.

Vice Chair Pavlakis opened the public hearing.

Steve McCutchen, a Sandy resident, complimented Mr. Crowell on his overview of the SD zone. He then gave a historical overview of the process that led to the current proposal, which is based on a specific project that is not under consideration tonight. He, however, used the project to illustrate how the SD zone proposal came to be. The idea began in April 2014 for a 34-acre piece of property located to the northeast of Independence. The property is currently zoned Heavy Commercial. The initial idea was to rezone the property Mixed Use (MU) since the surrounding property is also MU. The City Council had problems with the MU concept. As the east side of the City has developed with smaller lots, the density has changed as well.

Mr. McCutchen stated that a new zoning option needs to be considered. The City Council directed Mr. McCutchen to work with staff to come up with ideas on how to use the property that he and his associates want to develop, which they have done. In addition, they have had work sessions with the City Council. In doing so, they determined that the various zoning options for their property do not work for what they hope to accomplish, particularly with the open space requirements of the different zones. After considering the zoning options, they determined that proposing a Special Development zone would be the best course to pursue.

Mr. McCutchen next showed slides of the site he and his associates plan to develop. They first proposed their plan to the City Council in April 2014. He noted that the proposed project looks similar to Westgate. He identified the location of a 3.5-acre park site and noted that there are about two acres of canal on the property. In order to meet the MU open space requirements, there would still have to be an additional 3.5 acres of open space. That pushed the product type toward townhomes, which they, staff, and the City Council did not find particularly appealing. Therefore, they began looking at different options, which led to the SD zone.

In October 2015, they presented a plan to the City Council that would consist of all single-family dwellings. There are approximately two acres of active open space, another two acres of canal, lots with a minimum size of 50 feet in width x 90 feet deep, and lots with a minimum size of 40 feet wide by 90 feet deep. He noted that most of the lots are actually 100 feet deep. There is currently no zone that allows the proposed project. As a result, the applicants visited with the City Council about the option of creating an SD zone as an option to allow the Planning Commission and City Council to look at unique projects or sites that need something different from what the standard zone allows. Mr. McCutchen said that he and his associates are looking at donating a 1.15-acre site for a new fire station. It was noted that the City approached Mr. McCutchen about including a fire station in this project.

Mr. McCutchen stated that the streets will be public, all of the lots will be single-family dwellings, there will be a fire station, and a neighborhood park that will be HOA owned and maintained. A

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

trail will be located along the area where there is an easement for an underground gas line. Mr. McCutchen observed that work is moving forward with Noell Nelson Drive and it should be completed sometime this summer. Mr. McCutchen next commented on the architectural design guidelines and landscaping requirements.

Mr. McCutchen stated that other cities use the SD zone, such as Draper and Sandy. The purpose of the SD zone is to alleviate problems where the proverbial square peg doesn't fit in round hole. He added that the UTA parcel might benefit from the SD zone. He also stated that there are other properties that might benefit from the SD zone instead of the MU zone. Mr. McCutchen explained that development agreements are optional but project plans are required. He noted that he and his associates have had a lot of success working with staff on project plans.

Mr. McCutchen pointed out that the SD zone requires a minimum of a 10-acre site. The uses allowed would be defined within a project plan. He commented that an important element of the SD zone is that an applicant would have to appear before the City Council in advance and present their proposal. The City Council would then determine if the proposed use is appropriate in the SD zone or if the applicant would be just as well served by using a different zone. To qualify for the SD zone, the project would have to be truly unique but would serve the City in a way that makes it worthy of consideration.

The project plan requirements within the SD zone are very specific. Mr. McCutchen highlighted the list of architectural requirements enumerated in the proposed SD zone. The expectation was that the architecture will be much better than the norm. The word "special" is of particular importance because the project has to go beyond what one would typically expect.

Commissioner Brockbank was frustrated because of the work that has gone into the Master Plan. He stated that people are now coming in claiming to have a unique parcel that needs special consideration in order for them to maximize their economic benefit. His concern was that developers continue to build smaller home on smaller lots in Bluffdale and the City is already saturated with condos and similar products. For him to vote for an SD zone would be to go against his nature of what he thinks Bluffdale really is. If the City approves the proposed text amendment, people will get a piece of property and then try to maximize their profit. He was concerned about the rights of people who have been in Bluffdale for many years and did not want to see the change that has occurred in Independence take place throughout the City. Commissioner Brockbank noted that Mr. McCutchen's property may be a good buffer zone against that area, but to approve the special district that could be applied anywhere in Bluffdale was of concern to him.

Mr. McCutchen noted that in 2007, the City made the decision to treat the area east of the railroad tracks differently from the western side of Bluffdale. Approval of the Independence development dramatically changed the nature of development in Bluffdale to the east of the railroad tracks. He hoped that if a developer makes a proposal to the City Council to create 10,000-square-foot lots on 2700 West, it would be resoundingly denied. It was not the intent of the SD zone to go against the General Plan. The project Mr. McCutchen and his associates were looking to develop is east of the railroad tracks where it makes more sense.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

Mr. McCutchen estimated that it will take about one year for the City Council to define how the SD zone will be used. He doubted it would be approved on the west side of Bluffdale. There are, however, many things going on east of the railroad tracks in terms of industrial, commercial, and residential development that make the SD zone a desirable option because of the need for flexibility. Commissioner Brockbank countered Mr. McCutchen's assertions about the difference between east and west Bluffdale and stated that property owners in west Bluffdale could say that the City has set a precedent in east Bluffdale and, therefore, they deserve equal property rights.

In response to Commissioner Luker's question regarding the reason for setting the 10-acre minimum lot size instead of larger parcels, Mr. McCutchen said that he originally suggested a lower number but settled on the 10-acre limit. In addition, on the east side of the tracks, 10 acres is a good-sized parcel. The SD zone gives the City substantial control over how the land is used.

In response to Vice Chair Pavlakis' question about what makes his property unique that would qualify it for the SD zone, Mr. McCutchen explained that part of what makes it unique is that it is currently zoned Heavy Commercial (HC). It is surrounded by the canal on the north and a power easement in two different locations, so it is not tied to the industrial areas surrounding it. Since it is next to Westgate, the property seemed to be a better fit with the residential part of Independence.

There was also concern about having HC there and the impact it would have on 1000 West with the truck traffic. Also, he believes the densities should be closer to what Independence has. When it was suggested that he go for R-1-10 zoning, he stated that he did not believe it would be possible to sell 10,000-square-foot lots in that neighborhood. In addition, with smaller lots there is more control over what the lots look like.

Commissioner Brockbank commented that there is also significantly more traffic. Commissioner Brockbank agreed with Mr. McCutchen's assertion that the development would be a good buffer zone. Mr. McCutchen emphasized that his project serves only to illustrate how the SD zone came to be. His project is not under consideration tonight, so if the Planning Commission denies the SD zone on the basis of his project, the Commissioners would be missing the point.

David Tolman gave his address as 1245 Westwood Drive, in Bountiful. He and his associates met with the City Council on several occasions and looked at possible solutions, including different zoning options. When they asked the City Council what the property should look like, the City Council concluded that the density the applicants are proposing is about right. The problem was with access there. As a result, they discussed the matter with City Attorney, Vaughn Pickell, and asked if they could modify the MU zone to make it work. Mr. Pickell replied to them in the negative. At the work session, the City Council decided to proceed and establish an SD zone.

Mr. Tolman did not believe there were two Bluffdales (east and west) and stated that there is just one. He suggested they find solutions for people who want to live in Bluffdale. He believes there are solutions that benefit the City as a whole. With the SD zone in place, the Planning Commission

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

and City Council would still have the ability to make judgments about what will work on a given parcel of property.

Mr. Tolman did not believe that invoking precedent is valid because the Planning Commission and City Council have the responsibility and authority to determine what ought to be in the City. The SD zone is a tool for staff to handle properties with unique characteristics. In this case, there are unique characteristics that make it incompatible with the existing zones in the City. The goal is to develop lots for single-family detached residences. The park on the property they want to develop would not come at a cost to the City, as is the case with other parks that have been constructed. Mr. Tolman showed how the trail system would connect to the property he and his associates plan to develop. He reiterated that the plans they have for their property have been affected by the feedback received from the City Council. Mr. Tolman remarked that when the City brought up the idea of a fire station in the area, he and his associates thought it was a good idea and agreed to donate the property to the City for that purpose.

In response to Commissioner Luker's question regarding the trail that is planned, Mr. Tolman stated that they would have to obtain an easement through Rocky Mountain Power. It would not be a problem to do so; however, the developers would have to pay for it and it would need to be landscaped, as they have done with other similar situations. The parks that will go into the proposed development will not be located on any power corridors.

Commissioner Brockbank asked Mr. Tolman to describe the process that would take place if the SD zone is approved. Mr. Tolman reiterated Mr. Crowell's explanation that a development agreement is an agreement between a developer and the City that gives each party certain rights, however, the agreement still has to fall within a zone that works for the property. Currently, there is not a zone that meets the needs of the developers. Mr. Tolman explained that former City Council Member, Bruce Kartchner, asked if a development agreement could be crafted if the property were zoned MU. The City Attorney stated that such an approach would not be viable. Developers need to work within the rules that are in place.

Mr. Tolman explained that there are young people who would like to live in Bluffdale but they cannot afford a one-half acre lot or even a 10,000-square-foot lot. By allowing development on smaller lots, that segment of the population will be able to live in Bluffdale. If the SD zone is approved, it will give the developer the right to have a work session with the City Council to determine the compatibility of the developer's goals and the City's goals within the parameters of the SD zone. Mr. Tolman clarified that if the SD zone is approved, the next step would be to submit an application to the City to have the property rezoned SD. For that reason, the City Council recommended that Mr. Tolman's group submit a proposal for the SD zone.

Mr. Crowell explained that the City has a list of zones that are available. Most of the zones in the Zoning Ordinance are on the zoning map; however, there are a few that are not. For example, the City does not have an Industrial-2 zone on the zoning map, but someone could apply to have their property zoned I-2. There is also a SDP (Special Development Planned) zone, but there is no property that carries that zoning designation. The goal of the current discussion is to create a zone

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

for which someone could apply. If the SD zone is approved, it has a framework that prospective applicants would have to address in their zoning application.

The property under consideration has not yet been zoned. The applicants have a residential zone that fits their proposal, so if the SD zone is approved, they could submit a proposal to have their property zoned, which would then have to be approved by the City. There still may be the option for a development agreement; however, it cannot contravene the regulations specified in a given zone. In addition, development agreements involve the work of multiple attorneys, who have to agree on very specific details. Mr. Crowell noted that development agreements are not included in the public noticing process, so it is not preferable to circumvent the public hearing process by entering into a development agreement.

Mr. Tolman concurred with Mr. Crowell's explanation of the differences between zoning regulations and development agreements. He explained that under the development agreement scenario, he and his associates would not be able to donate the land for the fire station.

Commissioner Loumis recommended that for something this important all Members of the Planning Commission should be present.

Ulises Flynn gave his address as 15192 South Skyfall Drive and stated that there is a fine balance in the negotiation process; however, the east side of the City is getting stuck with all of the high-density development. He wanted to see development be more mixed. He noted that where he lives, 10,000-square-foot lots are selling well. Mr. Tolman interjected that a 10,000-square-foot lot costs about \$120,000. A home on that lot would cost around \$500,000. He doubted that many young families could afford that. Mr. Flynn countered by stating that there is a market for 10,000-square-foot lots. Mr. Flynn thought the SD zone would add more work for the Planning Commission and City Council and asked if it was worth it in the long term.

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

Commissioner Brockbank inquired about the Park Impact Fees. Mr. Crowell explained that in Independence the master developer is getting reimbursed for Park Impact Fees for the parks they are constructing. The homeowners pay a Park Impact Fee and DAI is reimbursed from the fees the City collects. He noted that the parks in Independence are City parks.

Vice Chair Pavlakis sought to clarify whether a developer would be reimbursed for parks that are built in R-1-10 or MU zones or if it was part of the Development Agreement for Independence. Mr. Crowell explained that the only ones he is aware of are in Independence. In the State Code, if a park project constitutes a system improvement, the developer is entitled to a reimbursement from one of several funding sources. Those details are spelled out in the Development Agreement so that the expectations are clearly understood. Mr. Crowell clarified that the fees the City collects go into the Park Impact Fees account, not the City's General Account, and are earmarked specifically for park construction.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

Vice Chair Pavlakis had concerns with some of the verbiage in the proposed text amendments. She expressed concern with the term “better” because its meaning would vary from person to person. Next, she referenced the concern expressed earlier by Mr. Flynn that it would be difficult for staff to administer because there is no starting point and densities are unclear. Vice Chair Pavlakis stated that the document overall seems vague.

Vice Chair Pavlakis next addressed the section addressing the qualifications of what makes a project unique. She expressed concern with the statement “...no other zone classification exists that better suits the proposed development.” She did not find that kind of wording to be helpful. She stated that from previous work sessions, it was her recollection that the consensus was that something like this would only be appropriate if it was a topographical type of issue, or swamplands that cannot be built on. Her concern with the proposed text amendments was that a person is basically looking at a flat piece of ground. As Mr. Flynn testified earlier, there is no reason R-1-10 couldn't be used on the property discussed. Therefore, if the developer tried to tell her that this property is unique, she would not agree because the land is developable. Thus, she believed the qualifications were too open.

Vice Chair Pavlakis asked for clarification on the meaning of 11-11H-2, in Item 4. Mr. Crowell said that it would be better to develop a piece of property with a specific set of guidelines than a standard zone that does not have guidelines. For example, the R-1-10 has no guidelines on architecture or open space.

Vice Chair Pavlakis next referenced Section 11-11H-8. She asked for clarification on item 1 that deals with permitted, conditional, and accessory uses. She asked if that meant that a developer could decide what could be put there, independent of the City's matrix that specifies those uses in the different zones throughout the City. Mr. Crowell stated that a developer could propose ridiculous things and they would not be passed by the City Council. Vice Chair Pavlakis clarified that they would not be passed by, but future decision makers might think otherwise. Mr. Crowell acknowledged Vice Chair Pavlakis' concern, adding that future City Councils could change the use table. Mr. Crowell added that the example cited by Vice Chair Pavlakis would be applicable to a commercial special district. Mr. Crowell cited the Gateway Redwood Zone as a precedent of a special zone that has its own list of permitted and conditional uses. He added that it's important to be consistent in the definitions of the different terms used.

Vice Chair Pavlakis referenced Section 11-11H-9, Item B, which states, “... if the amendment constitutes a major change.” She remarked that if that kind of wording is going to be used, what constitutes “a major change” needs to be defined. Vice Chair Pavlakis added that she and Commissioner Berry have been working on the noticing process and she believes that something on City noticing standards should be included. Mr. Crowell acknowledged Vice Chair Pavlakis' suggestion as a good idea, adding that if there are changes made to the noticing section, he would like to consolidate it into one place in the City Code. The City Code currently doesn't have a standard for noticing development agreements because they are contracts. Section B adds a requirement for SD zones with a development agreement that if a major change is proposed, it would be noticed because it is geographic.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

Discussion ensued on whether the proposal should be voted on at tonight's meeting. Vice Chair Pavlakis wanted the Planning Commission and City Council to have a joint conversation on the issue to come up with something that will work for both groups. Commissioner Brockbank did not believe the applicants had presented enough evidence. He wanted an explanation on why this proposal is necessary. He believed the item should be tabled. Commissioner Luker saw the purpose of this type of tool but had issues with how it is currently proposed. He thought it was overly broad. For example, he wanted to see the minimum lot size be set at greater than 10 acres.

When invited to comment, Mr. Tolman expressed concern with the time it will take to go through the proposal. He and his group have already had three work sessions with the City Council and he has been working with staff. He stated that if the process with the Planning Commission is going to take months he will pull the matter off the agenda and take it to the City Council. He would, however, be amenable to the two groups meeting quickly and discussing their concerns, which he believes have merit.

Mr. Crowell commented on the timeline for a meeting between the Planning Commission and City Council. He suggested that if there are five or six strategic suggestions, they could be documented and the Planning Commission could make that their recommendation. Commissioner Loumis suggested that Mr. Crowell visit with Mayor and ascertain when the two groups could meet.

Commissioner Brockbank had two concerns. First, the applicant has made a request but staff has set the parameters. He believed the Planning Commission has a right to determine what those parameters are. Mr. Crowell clarified that the applicant drafted the proposed ordinance. In response to a question raised, Mr. Tolman stated that the City Council directed him to move forward in developing a Special Development Zone proposal. He stated that he worked with staff to develop the language. He had no problem going back to staff and working through some of the concerns identified by the Planning Commission. He asked that the Commission define some of the parameters that need to be tightened up.

Mr. Crowell clarified that staff did not submit the application. Mr. McCutchen was able to find the City Code and staff provided him with red lines on more than one occasion when there were aspects staff did not agree with. Mr. Crowell added that there are different ways the City could approach the proposal; however, staff did not understand the policy goals and objectives with regard to flexible subdivisions in the City. Without that understanding, staff could not be of much assistance. Mr. Crowell noted that there have been good subdivisions in the City as a result of flexible subdivision ordinances. Staff was willing to study what is occurring in other cities to potentially include in Bluffdale's ordinances.

Senior Planner, Jennifer Robison, commented that it is important to understand that if the SD zone is applied to the applicant's property, another SD zone elsewhere will look totally different because of what is required for that proposal. Thus, the SD zone will not apply to every property. That is where the City's discretion comes in on each proposal. Staff had learned through experience what

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

the City's decision makers value, so that knowledge has helped them as they work with applicants on development proposals.

Vice Chair Pavlakis agreed that the City needs some sort of tool and that an SD zone could work to a certain degree, however, she did not think the current proposal was the solution. Mr. Crowell asked if staff could get a list of items to help them work with the applicant. Multiple conversations ensued on this issue. Commissioner Loumis thought the issue needed to be resolved but shouldn't take the Planning Commission an extensive amount of time to do so. Vice Chair Pavlakis was concerned about giving developers too much discretion, which could invite legal issues.

Commissioner Loumis stated that the City has dwelled on one-acre lots too much. The City is nearly built out and some of the trails are not connecting. He hoped to see the CRO zone come back. He was concerned that the younger generation is not able to live in Bluffdale. The changes that have taken place allow younger families to live in Bluffdale. He supported providing opportunities for them. He noted that many people are unable to care for one-acre lots. Commissioner Loumis was in favor of the proposed SD zone with revisions.

Mrs. Robison stated that the SD zone is basically a CRO zone, which is a special zone created for a specific piece of property. It required a certain amount of open space and amenities in order to achieve the optimal density. The SD zone provides flexibility rather than a number but if the City desires open space, they can look at the project plan and have the flexibility to specify how much open space there needs to be. Another aspect of the CRO zone was how the setbacks, lot widths, and architectural features would be established. The minimum lot size allowed were 10,000-square-feet. That was the discretion and negotiation that occurred with the creation of the CRO zone. Commissioner Loumis remarked that advantage to the CRO zone back then was that there was not a lot of high density. He believed it was a mistake to eliminate the CRO zone.

Mr. Crowell offered to see if the City Council is available for a joint meeting on April 20. Mrs. Robison added that a joint meeting would give staff direction on the policy direction from both bodies. Commissioner Brockbank commented that the City Council is not obligated to abide by the recommendation of the Planning Commission. Discussion ensued on the possible options for a joint meeting with the City Council.

In response to Vice Chair Pavlakis' question regarding the Planning Commission's overall opinion of the SD zone, Commissioner Brockbank commented that he doesn't like the vagueness of the current proposal. Vice Chair Pavlakis stated that the developers knew the challenges associated with the property when they bought it and she did not want the City to be responsible for making their property profitable. Mrs. Robison suggested that other parcels also be considered to determine what special characteristics are associated with them, as well, in revising the SD zone proposal.

Vice Chair Pavlakis stated that in the previous joint meeting the consensus was that the main factor was the topography of a given parcel. Mrs. Robison asked if topography is the only consideration that makes a parcel unique. She explained that Bluffdale is a utility corridor, so the City needs to determine if it can be used as a trail connection. Discussion ensued on what makes a parcel unique.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

With regard to the parcel under discussion, Commissioner Loumis stated that he believes the gas line, which runs on the lateral, and the canal make the property unique. The canal is unique because it provides a buffer.

Commissioner Brockbank observed that the Board of Adjustment gives people the option to seek variances when there is a compliance issue with a zone. He did not believe Bluffdale should allow the maximum density on every piece of property. The City Council, however, is the body that has the right to make that determination. He wanted their input to see what they are looking for and what they are willing to do.

Mr. Crowell referenced a provision in the proposed ordinance he considered to be particularly important. Item 6 of 11-11H-2 states: "The proposal conforms to the goals and objectives of the City's General Plan." The General Plan shows the subject property as MU. The General Plan also includes density recommendations. The SD zone ordinance could include language that specifies the options for residential units. Vice Chair Pavlakis did not want a tool that negates all of the other zoning and ordinances. She believed that the SD zone does that. She stated that the citizens expect more protection than that.

**Connie Pavlakis moved to forward a negative recommendation to the City Council on the proposed text amendment creating a new Special District Ordinance chapter in the Bluffdale City Land Use Ordinance, Application 2016-11, based on the following:**

**Findings:**

- 1. The proposed text amendment is too vague.**
- 2. The proposed chapter needs text amendments in multiple places to have greater definition, to wit:**
  - a. 11-11H-9.B: "Major change" needs to be defined.**
  - b. 11-11H-2: There are some qualifications that need to be changed and addressed.**
  - c. 11-11H-1: The purpose says that the "SD Zone is intended to be used for development when it can be shown that no other zone classification would be adequate for reasonable development. . . ." The text should be amended to state that the SD zone should only be used in those areas.**
  - d. 11-11H-5: There needs to be clarification on what types, if any, of noticing will be done with regard to the preliminary meeting. The decision needs to be made as to whether or not the City will be noticed so that public input can be had.**
- 3. There is no starting point and suggested densities, making unclear the things about which the City is usually very particular. There is no starting point for negotiations, so**

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

**it is a wide open territory. That condition is scary and it lends to trouble for the decision makers, and it adds multiple revisits to every application by being this vague.**

- 4. Better language is needed to specify what qualifications and guidelines would be needed for determining what properties would qualify for the SD Zone. It should not be just a financial consideration on the part of the developers.**
- 5. The City needs to ensure that it is not responsible for making developers' property profitable.**

**Von Brockbank seconded the motion. Vote on the motion: Von Brockbank-Aye; Kory Luker-Nay; Johnny Loumis, Jr.-Nay; Connie Pavlakis-Aye. The motion failed 2-to-2.**

Vice Chair Pavlakis reopened the item for discussion.

**Johnny Loumis, Jr., moved to table the item for a short period of time, within 30 days, and make text amendments to address the areas that are vague for submission to the City Council. Von Brockbank seconded the motion.**

Vice Chair Pavlakis added that staff also needs to suggest text amendments to assist in making a decision on the matter.

**Vote on motion: Von Brockbank-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye. The motion passed unanimously.**

Vice Chair Pavlakis recommended that a joint meeting be held on April 13 so that the matter can be back on the Planning Commission's April 20 agenda.

Commissioner Loumis was excused from the meeting at 9:33 p.m.

Discussion ensued on the next steps to resolve the issue. Mr. Crowell noted that the City Council will get the original packet with the applicant's proposed ordinance and will receive the revised packet with the Planning Commission's proposed text amendments. Ultimately, the City Council will make the final decision.

**5. Discussion Item: Residential Parking Standards.**

Mr. Crowell noted that staff obtained information on parking ratios from other cities, as requested. A Planning Director from another city informed Mr. Crowell that their parking ratio is 3-to-1 and is working fairly well. Mr. Crowell noted that there are developers who are trying to make modifications because in areas where there are two cars in the garage and a driveway that can hold two cars, the developers think that 1-to-3 is excessive for guest parking.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

Mrs. Robison presented the staff report and stated that the text shown in black is what is currently in place. Text shown in red was what staff proposed. The table gives suggestions on categories and the meaning of different types of residential dwellings. Mrs. Robison next reviewed the proposed language. She explained that parking for the townhomes and apartments is based on the number of bedrooms. She noted that the guest parking has been modified for multi-family units. In addition, on-street parking shall not be used to calculate required parking spaces. In other developments there was an option to use on-street parking in the calculation; however, that option had been eliminated from future projects in the proposed text amendments.

Mrs. Robison clarified that the ratio is based on the number of units and bedrooms. Vice Chair Pavlakis asked if the one-half stall requirement be eliminated and the requirement set at two for a one-bedroom unit. Mrs. Robison stated that it would be possible to do so, but it was on the previous matrix staff prepared for the Planning Commission. It was noted that one-bedroom units are not being built, so the two parking stall requirement is reasonable.

Mrs. Robison next referred to Section 11-12-5 and stated that in some of the townhome units, the guest parking is farther away and that discretion will be allowed in the review of the site plan. Section 11-12-5 addresses guest parking and specifies that it can be spread throughout a project.

Mrs. Robison next addressed public on-street parking. The language specifies that “parking on public streets shall not be allowed to satisfy the off-street parking or guest parking requirements for any residential dwelling unit.” She explained that the off-street parking has to be met according to the table. Mrs. Robison next addressed the sentence on tandem parking, which shall not be allowed to satisfy the off-street or guest parking requirement. Mrs. Robison indicated that there is a new provision that requires a minimum residential driveway length of 20 feet. That is consistent with what has been done in Independence.

Vice Chair Pavlakis stated that it was her recollection that all townhomes would be required to have a driveway. Mrs. Robison stated that there are alley-loaded homes that don't have driveways. As a result, the Planning Commission does not want to encourage additional alley-loaded units. Vice Chair Pavlakis added that the Planning Commission's previous discussion was that all homes would need to have driveways. She believed that requirement needs to be included somewhere in the text amendments. Mr. Crowell clarified that the City never wants to have another alley-loaded project in the community. Vice Chair Pavlakis explained that a residence could be alley-loaded, but it would need to have a 20-foot driveway from the alley. Commissioner Brockbank added that the requirement would help with the density as well. Mr. Crowell sought to clarify that the Planning Commission believes there has to be two enclosed spaces, which is the garage. In addition, the off-street parking was eliminated and the guest parking requirement was increased.

Mrs. Robison stated that alley-loaded townhomes must have a two-car garage. In response to Vice Chair Pavlakis' question regarding townhomes with three bedrooms, Mrs. Robison stated that an additional parking place would have to be designated on the property. Vice Chair Pavlakis stated that driveways need to be required or there will be problems similar to those that occur with clustered homes. Mr. Crowell stated that the problem will not occur again with future projects.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

Mr. Crowell explained that the ordinance can specify that “in no case shall any product not have a 20-foot driveway near its garage.” Vice Chair Pavlakis stated that a one-bedroom unit could have a two-car garage with no driveway, but anything beyond one bedroom, such as a three-bedroom unit, would require a driveway.

Mr. Crowell noted that apartments don’t have to have driveways, but they have to have parking based on the number of bedrooms. He observed that perhaps it would be easier to prohibit the use of alley-loaded townhomes altogether. Commissioner Brockbank noted that it would add substantially to the cost of condominiums to add the land for driveways.

With regard to three-bedroom townhomes, where it would be feasible for the owner to have four cars, Mr. Crowell stated that it would be necessary to have a parking area for the additional bedrooms in the project, and guest parking. With regard to alley-loaded products, Commissioner Brockbank observed that there is no need for an alley if there is 20 feet for a driveway.

Mrs. Robison added that having attached garages facilitates the addition of a driveway in the rear.

Commissioner Luker noted that when he lived in Texas, he had a stand-alone home with a rear-loaded alley and his driveway was 40 feet long. A rear-loaded home with a driveway would limit the product type. Mr. Crowell sought to clarify whether they are dealing with a product type or an impact situation.

Mr. Crowell informed the Commission that staff can take the Planning Commission’s feedback and incorporate it into the parking section of the ordinance. Except for approved apartment buildings, every residential type needs a minimum of a 20-foot driveway near the two-car enclosed garage.

Commissioner Brockbank asked if the density impact to a development for a five-acre parcel could be reviewed. He believed developers will agree that the proposed requirement is being used to reduce the density because where there might be five units per acre. The new requirement might reduce that to three or four per acre. Mr. Crowell explained that 20-foot driveways for two-car garages are 320 to 400 square feet each. That translates to about 2,800 square feet per acre or a 5% loss of buildable space. The proposed change won’t affect the current projects with development agreements in place but it will affect future projects.

Mr. Crowell stated that staff is prepared to draft the Code changes for the public hearing. Vice Chair Pavlakis requested that the 1.5 figure be eliminated and the minimum number of parking stalls be set at two per unit. Commissioner Luker did not object to 1.5 if the 20-foot driveway is added. The Commission decided to increase the 1.5 requirement to two but keep the 2.5 because there will be a 20-foot driveway. There will still need to be one guest parking stall for every three bedrooms.

Discussion ensued on how developers may react to the proposed requirements.

**6. City Council Report.**

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 6, 2016**

Vice Chair Pavlakis reported that Commissioner Loumis indicated that the City Council denied the Ken Olson property for the Preserve at Spring View Farms. Mr. Crowell explained that it was a split vote, so the Mayor broke the tie. The issue had to do with the uncertainty about how the road will get to 14600 South. A very agitated nearby property owner was concerned about the survey information.

Mr. Crowell stated that Mr. Olson plans to visit with the Council Members who voted against his proposal in an effort to address their concerns. He stated that he has ideas for modifying the layout of the property. Mr. Crowell anticipated that Mr. Olson will re-apply at some point. Vice Chair Pavlakis stated that one of her concerns was with the 30-lot rule, however, the emergency access to the south put her concern to rest. Mr. Crowell clarified that per the subdivision ordinance, emergency access is supposed to be secondary and should be open and unobstructed if there are more than 30 units.

Mr. Crowell stated that the City is having a challenge with Code enforcement of the required corral setbacks. That topic was addressed at the end of the City Council Meeting. The ordinance specifies that a corral has to be 75 feet from a dwelling, as does a barn or structure that houses livestock. There is a situation where the setback is 40 feet and the neighbors are complaining. The issue is going to court. With regard to a potential ordinance changes, staff polled surrounding cities and learned that there is not one standard. Part of the problem is that the ordinance applies to all animals and have greater impacts than others, especially with respect to smell. In response to Commissioner Brockbank's question regarding pastures, Mr. Crowell stated that pastures are not defined and are treated the same as corrals. Mr. Crowell welcomed input from the Planning Commissioners on the issue.

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

Vice Chair Pavlakis recommended that the Planning Commission address the matter raised by Mr. Flynn about the possibility of creating a standard for walls where commercial property abuts residential property. Mr. Crowell stated that there is a chapter in the ordinance called Transitional Development Standards that addresses fencing, berms, and landscaping. There is, however, no requirement for a greater than six-foot wall. He stated that it might be advisable to review what currently exists in the Transitional Development Standards. Discussion ensued on the transitions from commercial to residential property.

**8. Adjournment.**

The Planning Commission Meeting adjourned at 10:20 p.m.



Gai Herbert

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, April 6, 2016**

Community Development Secretary

Approved: April 20, 2016