



**AMENDED AGENDA
BLUFFDALE CITY PLANNING COMMISSION
MEETING**

April 20, 2016

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, April 20, 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 02, 2016 and April 6, 2016 meetings of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION AND VOTE**, on a Plat Amendment of Cascade Cove Subdivision, which Vacates a Trail Easement at approximately 3100 West 15000 South, Rob Hughes, Newlyn Green & Blake and Angela Bush, applicants.
5. **PUBLIC HEARING, CONSIDERATION AND VOTE**, on various amendments to Title 11-12 Parking Standards, Title 11-8E-12 R-MF Parking Standards, and 11-11G-17 Off Street Parking in the Bluffdale City Code. Bluffdale City, applicant.
6. **CONSIDERATION AND VOTE** on a Revised Project Plan/Major Change for the original Westgate Development Area within the Independence Master Planned Community for 4.14 acres to be identified as the Porter's Point Townhomes, located at approximately 14700 South Noell Nelson Dr. (1000 West). Newman Construction, applicant.
7. **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. (Continued from April 6, 2016)
8. Discussion Item: Transitional Development Standards
9. City Council Report.
10. Planning Commission business (planning session for upcoming items, follow up, etc.).
11. Adjournment.

Dated: April 15, 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.

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Present:

Members: Brad Peterson, Chair
Connie Pavlakis
Johnny Loumis, Jr.
Kory Luker
Nick Berry
Von Brockbank, Alternate (arrived at 7:17 p.m.)

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

BUSINESS MEETING

Chair Brad Peterson called the meeting to order at 6:59 p.m.

1. Invocation and Pledge.

Kory Luker offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the March 2, 2016, and April 6, 2016, Meetings of the Planning Commission.

Brad Peterson moved to approve the minutes from the March 2, 2016, meeting of the Planning Commission, as printed. Kory Luker seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Nick Berry-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, was not present for the vote.

Kory Luker moved to approve the minutes from the April 6, 2016, meeting of the Planning Commission, as amended. Johnny Loumis, Jr., seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Nick Berry-Aye, Brad Peterson-Abstained. The motion passed unanimously with one abstention. Commissioner Peterson abstained from the vote as he was not in attendance at the April 6, 2016 meeting. Alternate Planning Commission Member, Von Brockbank, was not present for the vote.

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4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Plat Amendment of Cascade Cove Subdivision, Which Vacates a Trail Easement at Approximately 3100 West 15000 South, Rob Hughes, Newlyn Green, and Blake and Angela Bush, Applicants.

Associate Planner, Paul Douglass, presented the staff report and stated that the impacted parcels are Lots 14, 15, 16, and 17. He noted that there is a 10-foot bridle trail easement and a 10-foot public utility easement on the backside of the subject parcels. The applicants are requesting that the trail easement be vacated; however, the public utility easement will remain. Mr. Douglass then showed on a map displayed the location of the subject parcels, the trail easement under consideration, the canal, and other trails in the area.

Chair Peterson commented that he sees people riding horses on the canal road and asked if it can be counted as a horse trail type of road. Mr. Douglass explained that it is soft; however, City Planner/Economic Development Director, Grant Crowell, noted that staff cannot answer the permission question because the City does not own it. Thus far, the City has not received a written request for an easement on that road. He explained that in time the City would like to formalize trail easements with all of the canals. Further discussion ensued on the trails shown on the map.

Mr. Douglass stated that he received input from a citizen who lives at 15023 South Pastoral Way, which is on the east side on the front of the subdivision. The resident is in favor of granting the amendment so that the trail can be turned back to the owners to maintain.

Mr. Douglass next reviewed the trail system in the City's General Plan. The Plan calls for trails that will be accessible and clean to make the City and neighborhoods attractive.

Commissioner Pavlakis asked if the Trails Master Plan would need to be adjusted if the trail easement is vacated. Mr. Crowell explained that if the vacation is granted, the map will need to be updated. He stated that 15000 South is a public right-of-way all the way to the City boundary and provides good access. Mr. Crowell clarified that the applicants own the property for which the trail easement vacation is being requested. As a result, vacating the easement does not give them additional property because they currently own and pay taxes on it. There is, however, a restriction associated with the property.

Chair Peterson clarified that the two 10-foot easements overlap, so the property owners would still have restrictions due to the public utility easement. Mr. Crowell enumerated some of the permitted uses of property that has a public utility easement.

Chair Peterson opened the public hearing.

Rob Hughes gave his address as 15112 South Pastoral Way and identified himself as one of the applicants. He reported that he lives at the end of the property where the gate is located. Mr. Hughes noted that he learned from the City Attorney that the canal road is not part of the City's trail system, although people use it, so the trail technically dead-ends at the corner of his property. Mr. Hughes stated that safety was one of the reasons for the request to vacate the trail easement.

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Newlyn Green gave his address as 15056 South Pastoral Way and identified himself as another of the applicants. He expressed his appreciation to the City for their consideration of the request because they would like to take care of the property themselves and plant grass and use it for their convenience. He commented that there would be no problem if the City needs any other type of easement through the property. Mr. Green explained that the vast majority of people who ride horses use the asphalt street and not the equestrian trail.

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

Connie Pavlakis moved to forward a positive recommendation to the City Council for a plat amendment at approximately 3100 West 15000 South in the Cascade Cove, Application 2016-12 based on the following:

Findings:

- 1. That good cause exists for the vacation of a portion of the trail at approximately 3100 West 15000 South and that the public interest or any person will not be materially injured by the vacation.**
- 2. That this request will not shut off all access to the Welby Jacobs Canal Road. The trail vacation will not be in conflict with other options that exist close that will allow access to the canal, such as 15000 South.**
- 3. The proposed changes will not be detrimental to the health, safety, or general welfare of persons or property within the area.**
- 4. That the vacation request will not significantly deter from the Bluffdale City General Plan for Parks, Trails and Open Space.**

Nick Berry seconded the motion. Vote on motion: Connie Pavlakis-Aye; Nick Berry-Aye; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

- 5. PUBLIC HEARING, CONSIDERATION, AND VOTE on Various Amendments to Title 11-12 Parking Standards, Title 11-8E-12 R-MF Parking Standards, and 11-11G-17 Off-Street Parking in the Bluffdale City Code, Bluffdale City, Applicant.**

Senior Planner, Jennifer Robison, presented the staff report and stated that the subject of parking has been a topic of discussion for several months, particularly because new types of housing products have been built that have presented parking challenges. Mrs. Robison highlighted some of the changes that have been proposed in the revised parking standards, which, she emphasized, pertain only to residential parking standards in the City Code. The areas printed in black are what currently exist, and the areas in red are the proposed changes.

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Mrs. Robison reviewed the parking standards in Section 11-12-3, as provided in the staff report. She indicated that it includes an enhanced definition of residential dwellings and the new parking standards associated with each type of dwelling. With regard to the guest parking requirement, Mrs. Robison emphasized that off-street parking cannot be counted toward fulfillment of this specification.

Mrs. Robison next reviewed the changes that made to Section 11-12-5. She highlighted the changes made to the requirement regarding the location of parking facilities and stated that there is still some flexibility in terms of where guest parking can be located. The ratio for guest parking is one space per three dwelling units and they need to be scattered throughout the project. There is also language specifying how variations may be granted. Mrs. Robison highlighted the new statement regarding public street parking, reiterating that on-street parking shall not be counted towards the off-street or guest parking requirement. Parking requirements must be satisfied by parking in driveways, parking stalls, or garages.

With regard to driveways, there is new language that specifies that driveways for attached or detached units shall have a driveway of at least 20 feet in length in front of the garage, whether the garage is street loaded or alley loaded.

In response to Commissioner Pavlakis' question regarding the driveway for attached units that are apartments, Mrs. Robison noted that apartments will not have a driveway. She added that the term "detached" refers to single-family homes and "attached" refers to townhomes and condominiums. Chair Peterson added that the language for apartments does not include provisions for driveways.

Mrs. Robison next showed renderings to illustrate different product types and their driveways. Currently, the typically alley-fed product has a five-foot driveway. In response to Chair Peterson's request for the historical context of why 20-foot driveways have been added to the text amendments, as he was not in attendance at the meeting when the topic was originally discussed, Mrs. Robison explained that it was something the Planning Commission suggested at the previous meeting. She noted that staff has some concerns that the 20-foot driveway may limit some of the products in the future because some of the ones that have already been approved do not include that requirement. There might be some push back from future developers if this requirement is enacted.

In response to Commissioner Pavlakis' question on where a family would park a third car in the case of a three-bedroom dwelling unit, discussion ensued on the driveway length that would be needed to accommodate a third car. Mrs. Robison added that the guest parking requirement has been increased substantially, so there would be adequate off-street parking. Thus having a 20-foot driveway on an alley-loaded dwelling unit would probably not be necessary.

Chair Peterson asked about the feasibility of making the minimum driveway requirement for single-family detached homes 20 feet reducing the requirement for attached multi-family buildings. Commissioner Brockbank observed that if a driveway is shorter than 20 feet, pedestrians have to walk around a car onto the street, thereby creating a safety concern. Commissioner Berry noted that the average sedan is 13.5 feet long and the average SUV is 16.4 feet long. Mr. Crowell added that if

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there is a project that intends to have direct access from the street and parking in the driveway, staff does not recommend anything less than 20 feet. Some communities require even longer driveways because of the size of vehicles. Mr. Crowell noted that alley-loaded homes present a different scenario. Chair Peterson sensed that the Planning Commission is not in favor of many alley-loaded homes on the basis of the experience the City is currently having with alley-loaded products.

Chair Peterson summarized that the proposed text amendments essentially address the amount of guest parking and the length of driveways. Mrs. Robison added that there are some new definitions, as well.

Commissioner Luker observed that in the definition of driveways, the 20-foot minimum refers to detached and attached units; however, in the matrix on single-family detached units, that requirement is not included. Mrs. Robison agreed to make that addition to the matrix.

Chair Peterson opened the public hearing.

Steve McCutchan gave his address as 1750 East Janella Way, in Sandy. He stated that as a developer, he has concerns associated with the treatment of attached housing versus single-family detached housing. He opined that it will be more likely for there to be multiple vehicles at a single-family detached home than a single-family attached home because the latter product is more likely to have young families or mature adults. On larger lots with single-family detached homes, there will be more of a likelihood for families with teenagers, or multiple adults who live in the home. With regard to driveway lengths, Mr. McCutchan stated that driveways should be no shorter than 20 feet because it's no longer a driveway if it is less than 20 feet. With regard to alley-loaded townhomes, Mr. McCutchan stated that driveways need to be either five feet or at least 20 feet. He noted that 20-foot driveways in front of an alley become problematic.

Mr. McCutchan objected to the notion of not allowing on-street parking to count as guest parking. For example, Porter's Point, which is a townhome subdivision, has 38 on-street parking spaces. Thus, he believes that making a blanket rule of not allowing on-street parking to count as guest parking is going overboard. On alley-loaded units there is a lot of on-street parking. He added that what is being proposed goes against the general grain of what urban design is moving toward.

Commissioner Brockbank felt there was a difference between parking for detached homes and attached homes because detached homes have wider lots. Attached homes are typically clustered together. He believed the intent was to minimize on-street parking because once cars park on the street, the width is significantly reduced. Either the street needs to be widened to allow parking, or parking is not allowed on the street. Mr. McCutchan concurred that the curb-to-curb width of public streets is too narrow if parking is allowed on them.

Chair Peterson asked how on-street parking is dealt with in the winter since there is an ordinance that prohibits it to allow for snow removal. Mr. McCutchan stated that in Daybreak, parking is allowed on one side of the street year-round. In his projects, Mr. McCutchan has ensured that there is enough off-street parking for people to move their cars off the street in the winter. Commissioner Luker

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stated that he lives in Independence and the issue is winter parking. If people park on the street during the winter, their car gets towed. Thus, if there was a driveway in the multi-family homes, the parking problem would be resolved. Mr. McCutchan stated that the multi-family project he will be presenting later in the meeting will have enough parking to meet the current standard. He believed the Planning Commission is taking a very broad look at a project-specific issue.

David Tolman gave his address as 1245 Westwood Drive in Bountiful and stated that the proposal for additional guest parking in multi-family parcels will help keep people off the road. Mr. Tolman stated that he and his associates have looked at parking only on one side of the street other than in the wintertime. In addition, parking on collector roads is always prohibited because doing so can be very dangerous. From his perspective as a developer, Mr. Tolman observed that when he purchased property at Independence, the Development Agreement specified density requirements. If there is a 20-foot setback on an alley-loaded project, the density will be much lower and go from 16 to 17 units per acre to 12. Thus, the number of single-family detached units will be greatly diminished in favor of front-loaded townhomes.

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

With regard to 11-11G-17.C: “~~On~~ **Parking on the public** street parking shall be provided adjacent to all developments,” Commissioner Pavlakis asked how this is working where it says that the City is trying to diminish on-street parking. Mrs. Robison explained that this provision is in the Mixed Use Zone. She added that if paragraph C is in conflict, it can be eliminated. When Chair Peterson sought to confirm whether the entire paragraph was being removed or would revert to its original language, Mrs. Robison stated that the intent is to ensure that there is parking available adjacent to the project. The on-street parking, however, cannot be included toward the required parking ratio. Commissioner Pavlakis stated that if parking must be provided on streets, the streets have to be wide enough to meet the requirement. She added that one of the problems in Independence is that there are streets that are too narrow because of the on-street parking.

When Chair Peterson asked Commissioner Brockbank if the proposed changes satisfied his concerns from the previous Planning Commission Meeting, Commissioner Brockbank stated that a 20-foot driveway on an alleyway might be excessive, but he could see what that requirement was trying to accomplish. Commissioner Pavlakis pointed out that the alley-loaded homes are causing the problem because everyone is parking on the streets. Chair Peterson noted that there are no sidewalks by the alleys, so it might be feasible to lower the driveway length to 15 feet.

Commissioner Pavlakis stated that even at 15 feet, cars might intrude into the passageway, so there would be more problems by reducing the length. She believed it needs to be 20 feet or remain as-is. She had no objection to deterring alley-loaded developments. Mrs. Robison noted that the auto courts are similar to an alley-loaded product since there is an alley and a 5-foot approach. Commissioner Loumis stated that the guest parking requirement would make up for the limitations created by the absence of driveways and limited on-street parking.

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Connie Pavlakis moved to forward a positive recommendation to the City Council on the Text Amendments to the Residential Parking Standards, Application 2016-17, subject to the following:

Conditions:

- 1. Add “20-foot minimum driveway required” to detached single-family dwelling in the matrix in 11-12-3.**

Kory Luker seconded the motion. Vote on motion: Nick Berry-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Nay; Brad Peterson-Aye. The motion passed 4-to-1. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

Commissioner Loumis stated that although he voted in the negative, he was mostly comfortable with the proposed text amendments. He also acknowledged the tremendous amount of work and detail Mrs. Robison put into the text amendments for the parking standards. Commissioner Pavlakis added that the research was great. Mrs. Robison noted that it was a team effort by staff.

- 6. CONSIDERATION AND VOTE on a Revised Project Plan/Major Change for the Original Westgate Development Area Within the Independence Master Planned Community for 4.14 Acres to be Identified as the Porter’s Point Townhomes, Located at Approximately 14700 South Noell Nelson Dr. (1000 West), Newman Construction, Applicant.**

Mrs. Robison presented the staff report and gave a historical overview of the projects being proposed. She displayed a map of the location of the subject property, which is small (4.14 acres) near Westgate. It is part of the Independence at the Point Master Plan that was approved in 2007. Mrs. Robison identified the portion of the Westgate neighborhood that has already been approved and is moving forward. Staff has worked with the various developers in looking at the original plan and have overlaid the new project plan. The original Westgate area was identified as having 393 units. When Westgate came in, they picked up an additional piece of property that was owned by the railroad that added a few units to their development. They were approved for 266 units as part of the Aclaime project. The Porter’s Point developer is applying for 32 units. The remainder will be on the property to the north, which is about 17.5 acres, and will consist of about 215 units.

The original plan was intended to have detached single-family type housing, both residential front-loaded and residential alley-fed. The new proposal under consideration is called Porter’s Point Townhomes. There will also be a new Development Agreement, which is negotiated with and approved by the City Council. The project plan, however, is reviewed by the Planning Commission and recommended to the City Council.

Mrs. Robison next reviewed the layout of the project plan and explained that there will be two accesses to the subject property. All of the units have 20-foot driveways. The proposed parking ordinance that was just considered may have an impact on the project plan because when new

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development agreements are considered, they are subject to City ordinances that are in place at the time of negotiation. There are currently five guest parking stalls in the plan. If the new ordinance is adopted, that number will have to be increased to 11.

All of the open spaces are shown as private. There is a trail that comes into the property and there is a proposal for the trail to connect to the next portion of the trail. Staff was recommending that funding be discussed for building a pedestrian bridge over the canal for the project to ensure connection of the trails. The 10-foot asphalt trail portion would be the only public open space for this project. The rest of the open space would be the responsibility of the HOA. Mrs. Robison noted that the applicant plans to propose a modified standard for the width of the road in the project plan. The gross density for this project is 4.1 acres. The overall density is 7.73. The 32 units will have .73 acre of open space that will be owned and maintained by the HOA.

Chair Peterson noted that in the other areas of Independence streets and private space have not been included in the density ratio. Mrs. Robison clarified that private spaces have been included in the density calculations. There is a requirement for public open space, but Aclaime has exceeded that requirement and it does not apply to the parcel under consideration.

Commissioner Pavlakis noted that the density is higher than what was discussed and agreed on in previous joint meetings with the City Council. Mrs. Robison explained that there is a certain number of units that are vested for this particular area, so it meets the overall density requirement. Commissioner Pavlakis expressed concern with the density in the area. Mrs. Robison stated that the developers believe this project is compatible with the neighboring project. The location of the canal places constraints on what can be done on the property, thus the developers believe that townhomes are the best option. The developers will be limited by the new development agreement that is negotiated with the City Council.

Chair Peterson opened the public hearing.

Steve McCutchan gave a historical overview of the sizes of earlier townhome lots in Independence. He explained that single-family homes cannot be put on 35' x 70' lots, hence the use of townhomes. With regard to open space, much of the open space at Porter's Point was originally proposed as public, but the determination was made for them to be private. He added that there is no requirement in the Independence Development Agreement that requires a certain amount of public open space. The DA only distinguishes between active and passive open space. With regard to density, Mr. McCutchan stated that although Independence has an overall open space requirement of 7.14, each individual area has its own density.

When Chair Peterson asked Mr. McCutchan to address the request to count road as open space because he did not realize that roads counted as open space, Mr. McCutchan clarified that roads do count as open space.

Mr. McCutchan stated that the original idea was to straighten out the canal; however, that proved to be a silly idea. He next reviewed a slide showing the site plan and identified the different product

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types in the surrounding area. He then reviewed the proposed modifications. He noted that there is a four-foot grade change between the Westgate north property line and the canal property line before 1000 West. He stated that he has worked with the City Engineer to come up with a section that eliminates the parkways. There are areas where the sidewalk touches the curb. Commissioner Loumis noted that it is beneficial to have the sidewalk farther from the canal.

Commissioner Loumis asked about parking and confirmed the location of the five parking stalls. He noted that there is going to be a trail that will eventually go through and asked what will become of the open space identified. Mr. McCutchan stated that it is private active open space. Commissioner Loumis asked how large the space is and whether five parking stalls can be placed there. Mr. McCutchan stated that he has visited with staff about adding parking stalls, but they will back into the street on a curve, which is a bad idea.

Mr. McCutchan stated that if the new parking standards are enacted, there should still be sufficient parking because the garages can accommodate two cars and the 20-foot driveways can accommodate another two cars. He believed that the additional five to 11 parking spaces would be a moot point. Commissioner Pavlakis countered by stating that the requirement pertains to guest parking and the driveways refer to the homes themselves. Mr. McCutchan's understanding of the ordinance was that guest parking can take place on the driveway. Mrs. Robison confirmed Mr. McCutchan's understanding of the ordinance. Discussion ensued on the issues of having parking back a public street as opposed to backing into a cul-de-sac. Mr. McCutchan noted that there are 38 on-street parking spaces designated in the site plan. As a result, there are two spaces in the garage, two spaces in the driveway, the five additional spaces, and the 38 on-street parking spaces. Mr. McCutchan stated that this project is unique because there is a lot more parking on the street because of the size of the property than one might normally see in a townhome development. Commissioner Loumis observed that if there is driveway parking, there will probably be a reduced amount of on-street parking. Mr. McCutchan stated that there are 171 total parking spaces, of which 107 are guest stalls, which is about 3.34 guest spaces per dwelling unit. That ratio meets the requirement for three-bedroom homes.

In response to Commissioner Brockbank's question regarding the amount of remaining road width where there is parking on both sides of the road, Mr. McCutchan stated there would be 14 feet. The problem, therefore, is not parking but road width. Parking could be allowed on one side of the street, if necessary, as has been done in some Aclaime projects. Commissioner Brockbank stated that during the holidays, there will be a lot of cars in the neighborhood parking on both sides of the street, but he liked the idea of having 20-foot driveways that can accommodate four cars off of the street. Chair Peterson stated that in reviewing the changes to the parking standards that have just been considered, he believes there might be a problem because they specify that guest parking does not take place on the property. He read the proposed changes to this effect. Discussion ensued on the interpretation of the proposed text amendments. Mrs. Robison noted that the intent of the language is to indicate that guest parking can take place on a driveway. Chair Peterson's primary concern was to ensure that on-street parking would not be needed in the winter when there is a need for snow removal.

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Commissioner Brockbank reiterated his concern regarding parking on both sides of the street. Mr. McCutchan stated that the street width meets the legal requirements. Discussion ensued on the options for widening the street where the green areas are, or potentially red striping the curb on one side of the road to prohibit parking on both sides of the street.

Commissioner Luker next addressed the number of parking spaces that would be required under the proposed new ordinance. He stated that the new requirement would be 3.33 per unit at 32 units, which totals 106.56 spaces. The site plan calls for 171 parking spaces. Chair Peterson stated that his primary concern was the on-street parking. Mr. McCutchan stated that discussions about on-street parking involve a different set of ordinances. He explained that he meets the parking requirement without the on-street parking, but there are still 38 on-street parking spaces if needed.

David Tolman identified himself as the developer of nearby property and expressed support for Mr. McCutchan's project. He expressed concern with an intersection that connects to a collector road, which he identified on the map displayed. He had visited with Mr. McCutchan and the City Engineer to propose a right-in/right-out only street to alleviate his safety concerns. Mr. McCutchan responded to Mr. Tolman's concern by stating that if it was right-in/right-out, there is no median at 1000 West, but a sign could be posted.

In response to Chair Peterson's question regarding the viability of placing a raised median to force the right-in/right out ingress and egress, Mr. McCutchan stated that he did not think the City's Public Works Director or City Engineer would like that idea. In response to Chair Peterson's question regarding the spacing of intersections, Mrs. Robison stated that the City Engineer has reviewed and approved the proposal because as the platting process goes forward, the striping and safety issues will be addressed. Across the street is currently open property. Mr. McCutchan added that the Independence Parks subdivision will take its northerly access from Harmon Day Way, which is the collector coming out of Westgate. The two accesses to the subdivision, north and south, will be lined up with the two accesses going in and out of Westgate.

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

Mrs. Robison explained how the Street Tree Plan for the subject property will be compatible with the Street Tree Plan for the overall Independence project. The applicants have also provided architectural guidelines, which must be reviewed and approved by the Porter's Point Townhome Design Review Committee as part of the site planning process.

Mrs. Robison noted that the issue of fencing has not yet been addressed for the project plan. Staff believed that it would be important to include provisions regarding fencing, especially with the location of the canal. Commissioner Luker wanted to discuss the canal bridge that might be placed on the trail. Mr. McCutchan stated the fence will be solid, but the type of fencing had yet to be determined. That question will be addressed as part of the site plan review. With regard to the bridge, Mr. McCutchan stated that if the bridge is included in the Development Agreement, the developers would pay their proportional share of the bridge, which would be approximately 25%. He stated that if the property to the north is not developed and the trail extended, it would make no sense

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to build a bridge right away. Mrs. Robison noted that the trail connection is important to the City, so they would like to continue it to the north.

Commissioner Pavlakis asked about the viability of putting up a bond for the bridge because if the bridge isn't built, the developer would get that money back. Mr. Crowell stated that the City is still working on the Development Agreement with the developers, and this particular issue hasn't been discussed in detail yet. It could be addressed during those discussions. Mr. McCutchan noted that each unit in the development will pay approximately \$5,400 for the impact fee, a portion of which will be applied to the Park Fee. If the developer plans to put the bridge in, he is more than likely to ask for a reimbursement for the bridge because if it is a public facility, it would be eligible for reimbursement. Mr. Crowell acknowledged that Mr. McCutchan made a good point.

Commissioner Pavlakis addressed a concern regarding the west end of the road, which connects into the rest of the Westgate property, which has already been approved and includes 266 units. She asked if there is a second egress, to which Mrs. Robison replied in the affirmative. Mrs. Robison clarified that the developer has been approved for that many units, but they won't be able to build them all until the second egress is completed. Until the second egress is completed, City Ordinance allows for the construction of up to 120 units. The road has been designed and is being bid out. Mr. Crowell stated that the intention is to finish the road this year. There are still property acquisition issues that need to be resolved. Mrs. Robison stated that the subject property was not part of the original Westgate development, but the ordinance still applies to what Westgate is allowed to build up to. The City Council allowed the construction of up to 120 units in Westgate until the road is finished to allow for the second egress.

Commissioner Brockbank stated that if there are an additional 32 units, there will be 60 to 70 more cars forced back into a subdivision. Accordingly, he felt there should be another exit. Mr. Crowell stated that the 2016 Capital Facilities Plan includes a collector road coming from Independence, a culvert over the East Jordan Canal, which has been completed, and the design of a roundabout at 14600 South. There are still a couple of minor real estate issues that need to be resolved. This road is one of the City Council's top priorities for this year. Mr. Crowell stated that he could visit with the City Engineer to get a project schedule if the Planning Commissioners so desire. Chair Peterson acknowledged that the ideal situation would be to have the entire infrastructure completed before construction begins, however, in most instances that is not the reality. In this case, he believes that the progress of the infrastructure is such that he did not have a problem with the proposal.

In response to Commissioner Pavlakis' question regarding whether street striping (red curbing) should be included as a condition, Mr. Crowell stated that it is a traffic analysis issue that the City Engineer conducts. Thus, that determination should be left to the City Engineer.

Johnny Loumis, Jr., moved to forward a positive recommendation to the City Council for the Porter's Point Townhomes Project Plan, Application 2016-08, subject to the following:

Conditions:

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- 1. That this recommendation is based on the April 13, 2016, Porter's Point Townhomes Project Plan and Design Guidelines.**
- 2. That the final ownership and maintenance of open spaces and trails and other landscaped areas (private or public) is determined during the plat approval process and consistent with an approved development agreement.**
- 3. That the Planning Commission is the Land Use Authority to approve the Site Plan Application including, but not limited to; design and architectural elements, building materials and colors, and landscaping.**
- 4. That the project follows all applicable City ordinances throughout platting and development.**
- 5. That the trail connection allows public access and connects neighborhoods.**
- 6. That Section 3b of the Project Plan shall be revised to discuss when the review of the PPTDRC should be completed.**
- 7. That the fencing along the canal and the potential of a bridge over the canal, and the corresponding financial obligations for the bridge, be addressed during the negotiation process of the Development Agreement**

Findings:

- 1. That this application conforms with the original context and intent of the original Independence at Bluffdale Project Plan, to extent practicable, and the requirements of the Mixed Use zone.**
- 2. That the proposed changes are necessary to incorporate market changes and more specific engineering analysis that have occurred since the original approval of the Independence at Bluffdale Master Planned Community.**
- 3. That the proposed plan 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 motion: Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Nick Berry-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

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7. 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. (Continued from April 6, 2016).

City Planner/Economic Development Director, Grant Crowell, presented the staff report and stated that the issue was discussed extensively at the April 6 meeting. He tried to make revisions to the ordinance based on his notes from that meeting. The General Plan suggests having flexible subdivision tools in the tool box and this proposal seeks to do that, however, the General Plan does not specify how flexible those tools should be. One of the problems noted at the previous meeting was the vagueness of the proposal. It is intentionally vague, which may be the problem. It is a legislative item, so if it is a bad idea, it should not be approved, especially if it is inconsistent with the City's General Plan. Another factor that needs to be considered is whether the proposed SD zone would be for residential or commercial development. Thus, Mr. Crowell modified the minimum acreages on the basis of residential versus other types of development.

Mr. Crowell did not know what to do with the word "better" or "more appropriately," which was a concern at the previous meeting because those words are subjective. The policy regarding the creation of another zone is discretionary rather than subjective.

Mr. Crowell stated that ensuring trail connectivity is a priority. If the SD zone were to be discussed in a joint meeting, it would be part of a City Council Meeting and would be duly noticed. The term "unique" doesn't mean the same thing to everyone, but the main point is that uniqueness relates to the conditions on the site that make it unique.

Mr. Crowell next addressed the discussion on noticing requirements for development agreements. In reviewing the issues related to this discussion item, he determined that it was unnecessary and redundant because a zone is being adopted with a set of design guidelines. If the design guidelines are going to be amended for a project, it is considered a text amendment and will be noticed with a zone change.

When Chair Peterson asked Mr. Crowell if this item is something that the Planning Commission will forward on to the City Council for the final decision, Mr. Crowell replied in the affirmative. He explained that what is proposed is a land use ordinance text amendment, so the legislative body is the approval authority. In light of that answer, Chair Peterson stated that ultimately, the Planning Commission will send a recommendation to the City Council. Since this issue was discussed extensively at the last Planning Commission Meeting, Chair Peterson suggested that the Planning Commissioners state their position and their rationale for the City Council. Mr. Crowell stated that Mayor Timothy determined that a joint discussion meeting would not take place at this time. He opted to let the Planning Commission finish its work and send its recommendation to the City Council for final consideration.

Chair Peterson asked about the feasibility of forwarding the Planning Commission's recommendation with line items that might reflect the Planning Commission's thought processes so that the City

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Council knows the specific reasons for the Commission's recommendation. Mr. Crowell stated that the Planning Commission will state its findings as part of its recommendation. This issue will be heard at the May 11 City Council Meeting rather than on April 27. Doing so will allow Mr. Crowell to have the minutes as a reference.

Referencing 11-11H-2, Line 1, Chair Peterson noted an inconsistency in the number. Mr. Crowell stated that it was a typographical error and would be corrected. The number was changed to 20 on the basis of the previous meeting. Chair Peterson noted that Mr. Crowell stated earlier in his staff report that if the minimum size requirement were 20 acres, there are very few parcels in Bluffdale where this zone would apply. In response to Chair Peterson's question about why the number was changed from 10 to 20, Commissioner Luker explained that he made that recommendation because it would diminish opportunities to use the SD zone. He believes it's a good tool, but does not think it needs to be used everywhere.

Chair Peterson stated that as Bluffdale grows, there will be smaller pockets that might need a tool such in order to be developed. Mr. Crowell stated that if the minimum size requirement were too small, this tool might be over used. Also, from a design perspective, if open space is desired, the property needs to be larger to accommodate that objective. Commissioner Loumis added that trail connections are another important consideration.

Commissioner Pavlakis noted that the SD proposal is coming from a developer, not from the City. She wanted to have a joint meeting so that more people can share their perspectives. Mr. Crowell stated that the City Council is waiting on the Planning Commission's recommendation because the applicant is working on property acquisition and design decisions.

Chair Peterson expressed interest in finding out where the Planning Commission stands on the proposal. Commissioner Brockbank stated that one of the main issues addressed at the last meeting was that this is not a staff proposal. Instead, it is coming from the applicant, which is one of the reasons why the Planning Commission asked for a delay. Mr. Crowell stated that Mr. McCutchan created the draft, but met with staff as part of the process.

Commissioner Berry was absent from the previous meeting but had read through the proposal. He stated that the proposal seems broad and noted that some of that concern had been addressed. The City has options to define what makes a parcel unique. For the most part, he was satisfied with the proposal but was interested in getting the perspectives discussed at the previous meeting.

Commissioner Luker was in favor of the ordinance as a tool. Although he was the one that proposed that larger parcel size, he could see the merit of reducing the size requirement. He did not object to the changes made. It did not bother him that the ordinance was written by an applicant because there has to be a starting point.

Commissioner Pavlakis acknowledged that this is a starting point. She believed it was too vague and stated that the Planning Commission will do the citizens a disservice if there aren't parameters as starting points. Thus, it is a blank slate that gives developers the opportunity to do what they want.

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Her other concern was that there is no cap. Chair Peterson asked Commissioner Pavlakis to explain what she means by “no starting point” and “no cap.” Commissioner Pavlakis explained the starting point is what is currently in place. For example, if there is an R-1-43 zone, which requires one-acre lots, there might be advantages to the CRO because the overlay allows a small increase in the zone with certain parameters. Her concern was that developers will present ideas that will waste staff’s time because it is so broad. In addition, developers will be able to write their own zone, which will require numerous meetings.

Commissioner Pavlakis liked the statement in 11-11H-2, Line 3, that specifies that “the applicant shall demonstrate to the Planning Commission and City Council that development of the property would be constrained by topographic or other natural features,” but she did not care for the statement, “by platting or ownership configuration.” She understood the concern regarding utility lines to a certain point, but stated the developers know what they are buying when they purchase property, and they are prepared to develop it as-is. However, they will come to the City to push the envelope, which she considered to be trying to take advantage of the City.

Commissioner Pavlakis next referenced the statement, “no other zone classifications exist that more appropriately suit the proposed development of the property.” She believed that line leaves the City open to unacceptable proposals. Commissioner Berry stated that anyone could apply for a zone change, but it would still have to be approved by the City. Commissioner Pavlakis countered by noting that 11-11H-5 specifies that the applicant would go to the City Council prior to presenting their proposal to anyone else. Then 11-11H-6, which deals with the creation of a Development Agreement, removes the Planning Commission from the process.

Chair Peterson asked Mr. Crowell to clarify the sentence that states that “no other zone classifications exist that more appropriately suit the proposed development of the property.” He asked who would make that determination. Mr. Crowell explained that they are based on the discretion of the legislative body. Staff can advise applicants about the feasibility of a proposal and its likelihood of securing approval from the legislative body. The legislative body has the responsibility to state why a proposal is or is not approved.

Mr. Crowell then gave an explanation of a developer’s perspective of obtaining property and securing the needed approvals to develop. Developers need to be able to explain why they want to develop their property in a certain way before they are granted approval. He added that there are limitations on how property can be developed within the current zoning configuration because there is a significant difference between the R-1-10 and the R-1-43 zones. Mr. Crowell stated that the DRC meets weekly and weed out things that are unacceptable and do not meet the General Plan.

Chair Peterson stated that there are parcels that have utility lines that preclude the creation of one-acre lots. As a result, there is a need for options to create nice subdivisions. He believed the City will end up with eyesores if there isn’t some flexibility.

Commissioner Pavlakis reported that she has met with a couple of City Council Members and found it helpful to get their perspective on certain issues. She believed that when consideration is being

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given to adding more tools to the toolbox, it would be better to bypass this and use it as a starting point to go through a working session. She was not comfortable with the current proposal. Mr. Crowell and Mrs. Robison reiterated that the City Council will not engage in a joint discussion on the issue because it is before the Planning Commission. The Mayor wants the Planning Commission to take the matter to a vote. Mr. Crowell stated that the Planning Commission could recommend denial and then see what the City Council does with that recommendation.

Chair Peterson reiterated that the Planning Commission's decision will be a recommendation to the City Council regardless. If the City Council is in favor of the proposal, they will approve it. Mr. Crowell stated that they might vote in favor of it, change it, or possibly send it back to the Planning Commission or the applicant. The findings for the Planning Commission's recommendation will need to be included in the motion. It should be clear and reflect the perspectives of the Planning Commission. Mr. Crowell explained how the staff report to the City Council will be formatted.

Chair Peterson opened the public hearing.

Steve McCutchan stated that he and his colleagues agree with the changes staff proposed. He remarked that the main idea is to create a zone that is used sparingly when there is no other choice. He believed that more than enough safeguards have been included in the zone to accomplish that objective. He suggested that if the Planning Commission desires, the process can begin with an Advisory Council with the Planning Commission first and then with the City Council (see 11-11H-5 and 11-11H-6). Mr. McCutchan stated that the City's residential zoning is highly limited because there are one-acre lots, .5-acre lots, 10,000 square-foot lots, and 12 units per acre. There is nothing in between, particularly in Independence. One of the limiting factors is that the proposed land use has to be consistent with the General Plan. He added that it is important that the City Council remain consistent with the General Plan in order to avert potential legal issues.

Chair Peterson asked Mr. McCutchan to address the line in 11-11H-2, Line 3, which states that, "no other zone classifications exist that more appropriately suit the proposed development of the property." Chair Peterson stated that the line seems vague. Mr. McCutchan stated that it is intended to be broad because it is not possible to anticipate every situation. Mr. McCutchan stated that he and his associates have a specific piece of property in Independence that is no longer suited for 10,000 square-foot lots because of its location. He and his associates have had two meetings with the City Council over the past two years regarding the property and he believes the consensus is that the property is probably more suited to smaller lots than 10,000 square-foot lots because of the what has happened around it.

The problem is that there is not a zone that allows developers to do that. With Independence, the City has entered into a different type of development and the zoning is ill-prepared for it. The Mixed Use zone could be used, which staff and the City Council believe is not a desirable option. In addition, the City Attorney has stated that it would not be possible to make amendments to the MU zone. Mr. McCutchan agreed that the proposed SD zone would require vigilance and be used sparingly. Applicants would have to make a case that no other zone would work for their proposed land use.

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Even if the SD zone is approved, the applicants would have to abide by standards that the Planning Commission and City Council would be likely to approve.

Developers are trying to make money, so they are going to propose something that will get City approval. Mr. McCutchan stated that there might be strange applications within the first year of the SD zone's implementation, but the City can deny unacceptable proposals, thereby setting the standard for other developers. Mr. McCutchan stated that the SD zone proposal has been prepared and submitted because the City Council suggested that the idea of the SD zone be pursued as an option for this one project. They can then craft something that everyone can live with that might be used with other projects in the future. Mr. McCutchan stated that he drafted the proposal because it would save staff time. He requested that the Planning Commission make a decision tonight so that it can move forward to the City Council for approval, or denial, or approval with conditions.

Mr. McCutchan gave a historical overview of his work on Independence Park and stated that he began his work on the project in early 2014. The initial approach to the City Council addressed the fact that the General Plan for the property is Mixed Use. The property is zoned HC, but it is no longer viable as commercial because of Independence at the Point and Westgate, and everything else that has gone on around it. As a result, he recommended it be rezoned MU. The City Council did not like the idea of MU on the property because it is not really MU and is actually a residential project. It was ultimately determined that MU would not work even though the General Plan stated that it would.

Mr. McCutchan next reviewed what the MU zone would allow and stated that it would basically be a Westgate type of project. The MU zone would require a 3.5-acre park and a lot of townhomes. As a result, Mr. McCutchan and his associates started looking for alternatives. They presented a plan to the City Council in October 2015, which is close to the current plan, that included dedicating a site for a fire station. When they visited with the City Council in October 2015, they identified their options. None were desirable. The City Council stated that another option would be a Special Development Zone, which would allow the creation of a project plan for the site.

Mr. McCutchan added that the parks in the project would be private and would not require compensation from the City in any way. The park fees would go to and remain with the City. Some lots have a minimum width of 50 feet and are 90 to 100 feet deep. There are also lots with a minimum width of 40 feet that are likewise 90 to 100 feet deep. The streets are public and slightly wider than the standard that exists at Independence or Porter's Point. The problem was that the City currently does not have a zone that allows the development of the property in the way he and his associates are proposing.

In response to Chair Peterson's question about why the project does not work under the Independence plan, Mr. McCutchan stated that it was not part of Independence because the previous owner of the property chose not to be part of the Independence project. Chair Peterson opined that Independence came about a long time ago as a result of a City Council and Planning Commission that were discombobulated because of what happened here. He believed they caved to the developers and let them build what they wanted because the City would lose if it fought the developers on the matter.

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The high-density approach came about before the tenure of the current members of the Planning Commission, who were astounded to see that seven units per acre had been approved. The high-density projects came up back in 2007.

Chair Peterson believed the way it came about was a mistake and probably should never happen again. Commissioner Loumis disagreed with Chair Peterson's perspective. Mr. McCutchan stated that there are parcels in the area that have been developed in such a manner that that type of development should probably continue. Chair Peterson acknowledged that it would not be feasible to insist that the rest of the undeveloped land east of the tracks revert to one-acre lots, but not to continue on with the exact same density. Mr. McCutchan stated that the density proposed for his project is lower than seven units per acre. He reviewed the Independence density plan. The biggest difference is that townhomes have been eliminated from his project. The single-family detached lots allow for more flexibility than townhome lots. No zone allows for what he and his associates want to do, so he believes there are special considerations that need to be addressed in order for the land to be developed in a manner that is consistent with the surrounding area.

Mr. Crowell stated that the General Plan has MU on the subject parcel. In his capacity as Economic Development Director, Mr. Crowell asked the property owners if commercial development could feasibly take place on the property, so different options are considered. If the property were used for a distribution center, for example, there would be a lot of truck traffic. Mr. Crowell clarified that the subject property is zoned MU and the General Plan designates it as MU. The property owner is trying to come up with a scenario that makes the land use reflective of what the General Plan designates because the MU zone is essentially a residential zone.

Chair Peterson sought to clarify that if the property owners stay with Mixed Use, they would have to conform to R-1-10, R-1-43, or whatever else is in existence. Mr. Crowell explained how they would have to adapt their plans if they use MU, which would include the use of townhomes. However, the City Council has told the property owners that they would like to see single-family detached homes.

In response to Commissioner Luker's question regarding whether there are other tools in the toolbox, other than the SD zone, to accommodate the property owners' needs, Mr. McCutchan stated that there are no residential zones between 10,000-square-foot lots and apartments. Commissioner Pavlakis commented that the plat has absolutely nothing to do with whether the City approves the SD zone. She believed that the plat in and of itself doesn't mean anything for this meeting. She reiterated that the SD zone would be used when it can be shown that no other zone classification would be adequate for reasonable development. She stated that the subject property is flat and she saw no reason it could not have one-quarter acre lots, except to make a profit for the developer. Mr. McCutchan stated that to say that the purpose of the SD zone is to enrich someone is not accurate. His proposed project is consistent with what surrounds it. In the joint meetings the consensus was that no one wants to see a repeat of Independence.

Commissioner Luker's biggest concern was to ensure that any proposed SD zone would come before the Planning Commission first. Chair Peterson asked if that was enough of a reason to allow the SD

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zone. Commissioner Pavlakis stated that there is a lot of gray area in the zone and this type of conversation will take place every time a proposal comes through because there are no parameters.

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

Commissioner Brockbank believes there should be a zone that would apply to the proposed land use for this property rather than having a special exception. He felt that the vagueness of the SD zone allows too much. To have a new zone with specific requirements would ensure a cleaner process. He was also against the proposal because he believes the City Council bypassed the Planning Commission and he did not believe that is how City government should function. Mr. McCutchan and his associates have already met with the City Council twice without the involvement of the Planning Commission.

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 Planning Commission has concerns about the minimum acreage requirement.**
- 2. The Planning Commission would like to clarify and remove some of the items of qualification.**
- 3. The Planning Commission has concern of 11-11H-5 and 11-11H-6 circumventing the Planning Commission.**
- 4. The Planning Commission finds that overall the ordinance is far too vague and there were other ideas discussed for other tools.**
- 5. Ultimately, the Planning Commission would like to move past this and use it as a starting block for a joint meeting with the City Council to come up with the proper tools for the City.**

Nick Berry seconded the motion. Vote on motion: Nick Berry-Aye; Kory Luker-Nay; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed 4-to-1. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

Chair Peterson noted that the matter will move onto the City Council.

Miscellaneous discussion ensued on development that has occurred in Bluffdale, particularly in Independence. Chair Peterson acknowledged that he probably misspoke when he characterized the creation of Independence in a negative way during the discussion of the previous agenda item. Mr. Crowell stated that Bluffdale is in transition and benefits from the diversity of its residential

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products. Chair Peterson wanted to see a lowering of density with future projects. Commissioner Loumis noted that the residential portion that is missing in the City is senior housing. Discussion ensued on the differences between the east and west sides of Bluffdale.

Mrs. Robison stated that rather than “thinking outside the box,” the City needs to create a “bigger box” to provide the necessary tools to enhance what the City has in order to create other areas that will have desirable densities and characteristics. If the SD zone is not the correct tool, then the City needs to decide what the correct tool is. Mr. Douglass stated that he comes from Provo, which has a plethora of zones compared to Bluffdale, which has just a few. Having so many zones can make things very complicated; however, having more tools in the toolbox would be beneficial. With regard to the SD zone, Chair Peterson stated that parameters are needed to justify a negative decision on an SD proposal.

8. Discussion Item: Transitional Development Standards.

The above agenda item was continued to the next meeting.

9. City Council Report.

There was no discussion on the above agenda item.

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

Mr. Crowell reported that the City applied for a regional grant to develop a City-wide transportation plan.

10. Adjournment.

The Planning Commission Meeting adjourned at 10:32 p.m.



Courtney Lemperle
Community Development Secretary

Approved: _____ 05-04-2016 _____