



**BLUFFDALE CITY PLANNING COMMISSION
MEETING**

May 18, 2016

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, May 18, 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 May 4, 2016 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION AND VOTE**, on a Conditional Use Permit for an accessory dwelling unit at approximately 15189 S. Inverleith Cove, Anthony Lawrence Castro, applicant.
5. **PUBLIC HEARING, CONSIDERATION AND VOTE**, on amending the General Plan from Civic Instructional to Low Density Residential and amending the R-1-43 Zone to R-1-10 Infill Overlay Zone for approximately 10.57 acres at approximately 1654 West 14600 South, Kenneth Olsen, applicant.
6. City Council Report.
7. Planning Commission business (planning session for upcoming items, follow up, etc.).
8. Adjournment.

Dated: May 13, 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

Others: Grant Crowell, City Planner/Economic Development Director
Gai Herbert, Community Development Assistant

BUSINESS MEETING

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

1. Invocation and Pledge.

Chris McCandless offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the May 4, 2016, Meeting of the Planning Commission.

Johnny Loumis, Jr. moved to approve the minutes from the May 4, 2016, meeting of the Planning Commission, as amended. Connie Pavlakis seconded the motion. Vote on the motion: Johnny Loumis, Jr.-Aye; Nick Berry-Aye; Connie Pavlakis-Aye; Brad Peterson-Aye. The motion passed unanimously with one abstention. Kory Luker abstained as he was not in attendance at the May 4, 2016 meeting. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote.

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Conditional Use Permit for an Accessory Dwelling Unit at Approximately 15189 South Inverleith Cove, Anthony Lawrence Castro, Applicant.

City Planner/Economic Development Director, Grant Crowell, presented the staff report and stated that the subject property is located in Bluffdale Heights. He reviewed the criteria specified by City Ordinance to qualify for an accessory dwelling unit. The dwelling unit cannot exceed 65% of the total square footage of the home and only one dwelling unit is allowed. The applicant meets both of these criteria. In addition, the applicant will provide the additional parking stall that is required and the applicant shall live in the main unit. Additionally, the Conditional Use Permit is not transferable upon sale of the home. Finally, construction codes must be adhered to. The applicants have obtained a building permit for installing the accessory dwelling unit in the basement of the

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home. In summary, Mr. Crowell stated that the applicant has met all of the requirements specified in the City Code for an accessory dwelling unit. Staff recommended approval of the Conditional Use Permit.

In response to Commissioner Berry's question regarding the address of the accessory dwelling unit, Chair Peterson stated that typically if there is a separate mailbox designated for residents of the accessory dwelling unit that is sufficient. The homeowners may also sort the renters' mail from theirs and place it in a separate receptacle. There are no requirements specified by the City. The address would, therefore, be the same and mail may be separated by 'A and B,' '1 and 2,' or 'Up and Down.'

In response to Commissioner Brockbank's question regarding how the homeowner knows that the dwelling unit is non-transferable upon sale of the home, Mr. Crowell explained that the Notice of Approval is for the conditional use and is recorded with the property. It is also included in the Title Report if the conditional use is recorded properly.

Chair Peterson opened the public hearing.

The applicant, Anthony Castro gave his address as 3946 South Pine Hollow Road, in Salt Lake City. He explained that the dwelling unit will be for ailing parents who will come to live with the Castros in a separate unit. That will not take place for about 18 months. In the meantime, they plan to rent out the apartment.

In response to Chair Peterson's question as to whether Mr. Castro has concerns with the City's requirements for accessory dwelling units, Mr. Castro replied in the negative.

In response to Commissioner Pavlakis' question regarding when the Castros plan to move into their new home, which is still under construction, Mr. Castro indicated that they will move in around the end of July.

In response to Commissioner Loumis' question regarding parking, Mr. Castro stated that the renters will have one garage parking stall. The garage used by the renters will also have a driveway that they can use for parking. The accessory dwelling unit will also have a separate heating and cooling system along with a separate electric meter.

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

Connie Pavlakis moved to approve the conditional use application for an accessory dwelling unit for Anthony Lawrence Castro, Application 2016-18, subject to the following:

Conditions:

- 1. That all requirements of the City Code are met and adhered to for this Conditional Use Permit.**

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2. **A Notice of Approval shall be recorded with the property as required by the City Code, prior to occupancy.**

Findings:

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

Johnny Loumis, Jr. seconded the motion. Vote on the motion: Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Nick Berry-Aye; Kory Luker-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 Amending the General Plan from Civic Institutional to Low-Density Residential and Amending the R-1-43 Zone to R-1-10 Infill Overlay Zone for Approximately 10.57 Acres at Approximately 1654 West 14600 South, Kenneth Olson, Applicant.**

City Planner/Economic Development Director, Grant Crowell, presented the staff report. He stated that the subject property was previously discussed at the March 16, 2016 Planning Commission Meeting. Mr. Crowell clarified that the issues under consideration tonight include amending (1) the General Plan and (2) the zoning for the subject property, which includes the Infill Overlay (I-O) aspect of the zone change. The Infill Overlay allows for different applications of the R-1-10 zone.

Mr. Crowell next reviewed the location of the subject property and the surrounding area. He explained that the subject property is currently zoned Civic Institutional because it was most recently owned by the Jordan School District. The school district decided not to construct a school on the property and subsequently sold it. The zoning is still R-1-43. To the west of the subject property is an I-O parcel for two lots.

Mr. Crowell next reviewed the proposed use for the property presented at the Planning Commission's March 16 meeting. The Planning Commission forwarded a positive recommendation to the City Council; however, the City Council denied the application at its March 23 meeting because of a potential subdivision layout that would stub a road at the south portion of the subdivision and connect to 14600 South. Consequently, the applicant had to develop a different plan for the property.

Mr. Crowell displayed an aerial view of the subject property. The proposed road that was the sticking point at the City Council's March 23 meeting was removed from the plan. Mr. Crowell identified the location of a public road that will be stubbed into a private road. Thus, one of the applicant's requests was to have different street standards. The lot standards will, however, remain the same in terms of size and width. Mr. Crowell explained that the I-O is similar to the Special

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District Ordinance that the City Council recently adopted in that the applicants can propose some of their own criteria.

Mr. Crowell next reviewed the general area to see how the subject property relates to the surrounding future neighborhoods. He also reviewed the utilities that will run through the area.

Mr. Crowell then reviewed Exhibit B of the meeting packet: "The Preserve at Springview Farms – INFILL OVERLAY REQUIREMENTS." This document covers the developer's proposed (A) Developer Obligations, (B) Lot Standards, and (C) Architectural Guidelines. The staff recommendations included modifications to the document for the Planning Commission's consideration. Specifically, staff does not want to encroach on the entitlements that have already been granted to surrounding developers, specifically the developer to the north. The developer to the north, however, may choose to remove some lots from the plat at his discretion. The development of the subject property will not begin until a road is built to provide access.

With regard to the Architectural Guidelines, Mr. Crowell emphasized that enforcement would rest with the developer because staff does not have the needed architectural expertise to monitor that requirement.

In response to Commissioner Berry's question regarding the sidewalks that will exist in the northern subdivision, Mr. Crowell indicated that it will be a City road and will have sidewalks on both sides of the road. Thus, when the public road transitions to a private road, a change will need to occur because the private road will have a sidewalk on only one side of the road and the road will become narrower.

In response to Commissioner Brockbank's question as to whether the subject property is in the flood plain, Mr. Crowell stated that he does not have the flood plain map available, so he could not answer that question. Commissioner Loumis identified the property that is likely in the flood plain. He explained that the applicant will be able to address that question and his plans for property that may be in the flood plain. In response to Commissioner Brockbank's question regarding planned open space, Mr. Crowell stated that neither the R-1-10 zone nor the I-O zone require open space.

In response to Commissioner Pavlakis' question regarding whether the proposed road is compatible with the City's Street Plan, Mr. Crowell stated that there isn't a cross-section in the City's standards that resembles what is being proposed. Chair Peterson noted that the proposed road is 28 feet wide. Mr. Crowell added that Independence has different cross-sections. The applicant's proposed private road and sidewalk are similar to those found in some townhome subdivisions.

Commissioner Pavlakis next addressed the issue of on-street parking. If there is parking on both sides of the street, there won't be enough space for cars to drive on the street. Since it is a private road, parking enforcement could be problematic. Commissioner Pavlakis observed that she hadn't seen any comments by the Fire Chief regarding the 30-unit limit and the road width. Mr. Crowell stated that the Fire Chief has been involved in the discussions on the issue. The ordinance requires 30, but the City Council could increase that number, which might have ramifications with the Fire Code. Commissioner Pavlakis reiterated her desire to know how the Fire Chief feels about the road

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width. Mr. Crowell stated that the Fire Chief has seen it; however, Mr. Crowell doesn't know for certain if the Fire Chief is for or against it.

In response to Commissioner Berry's question regarding snow removal, Mr. Crowell stated that it would be a private situation with this proposal.

Chair Peterson opened the public hearing.

The applicant, Ken Olson, gave his address as 10299 Spring Crest Lane, in South Jordan. He first indicated that if the property is zoned R-1-10, all of the lots will be at least 100 feet wide. The intent is to make this an exclusive neighborhood (\$700,000 to \$1 million range), which accounts for the private nature of the proposed subdivision. There will be substantial covenants attached to the subdivision. On-street parking on a regular basis will be prohibited.

Mr. Olson stated that the private road will have 25 feet of asphalt. That width standard is practiced in surrounding areas and the width has met the needs of the residents. Mr. Olson next reviewed the sidewalk plan. The private road provides options for making the area look exclusive. The homes will be required to maintain a rustic theme to blend in well.

Addressing the 30-lot rule, Mr. Olson stated that he believes his plan is in compliance with what the majority of the City Council Members want. Mr. Olson added that the developer plans to eliminate one lot to widen his own lot. That will increase the total number of lots to 31. Chair Peterson noted that if the two lots closest to Loumis Parkway use that street as their address, the number of lots will decrease to 29. Mr. Olson was not sure how the addresses of the two homes will be designated.

Mr. Olson reported that no vinyl fencing will be allowed in the subdivision. Instead, fencing will have to be of masonry or Trex. There will also be no front yard fencing allowed. There will be some connectivity to the area trails, which will be a nice feature for the residents.

Mr. Olson next addressed the flood plain issue. He identified where there is some flood plain but there is no wetland. He noted that there is only about .25-acre in the flood plain. Soil tests showed that the water table is down 11 to 12 feet.

Mr. Barlow stated that he owns a lot directly west of the proposed subdivision. He reported that the mountain is quite steep there, so he wanted to know how the applicant plans to erect a fence. Mr. Olson stated that there is a slope with several trees. He plans to preserve the trees. Mr. Olson identified on a drawing where the fence will be located. In response to Commissioner Pavlakis' question regarding whether there are plans to disrupt the slope, Mr. Olson replied in the negative. The slope is full of trees, and the CC&Rs specify that the homeowners have to get permission from the HOA to remove any tree on the site.

Mr. Olson stated that one change that has been made subsequent to his previous meetings with the Planning Commission and City Council when he had the 23 lots was that the lots on the stub road were not very deep. As a result, the lots had smaller footprints. Currently, the required homes sizes have been increased to a 2,400-square-foot minimum for ramblers and a 3,000-square-foot

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minimum for the two-story homes with a 2,200-square-foot minimum on the main floor. The lots are much wider so the footprint will not go into the hill. In addition, by eliminating some lots, the road has been pushed slightly east, which gives the homes a deeper back yard before they get to the hill. There are fewer lots, but it is nicer and secluded, which will result in a better product.

Chris McCandless gave his address as 9067 South 1300, Suite # 105, in West Jordan. He identified himself as a representative of CW Management Corporation. Mr. McCandless first displayed aerial photos of the site. He explained that there has been some area preserved as green space in perpetuity. He identified the location of the subject property and the surrounding properties and a creek that needs to be preserved. Mr. McCandless then stated that he was present tonight to support Mr. Olson's application because he recognizes the stream as an amenity for the homeowners. He has developed a plan that allows for the creation of The Spring View Farms Migratory Bird Refuge. Accordingly, they want to make improvements that will include gazebos at various locations to allow people to sit and watch birds. There will be some open space and a park with parking.

Mr. McCandless liked what Mr. Olson had done to coordinate fence styles and some of the open space amenities. He considered this to be the "jewel" of the Jordan River Parkway. He was in support of what Mr. Olson was proposing and was willing to limit the number of lots that will be developed. He specifically identified where four proposed lots have been reduced to three lots in order to help Mr. Olson with the creation of the Migratory Bird Refuge. Mr. McCandless noted that he liked the idea of making one of the homes carry the street address of Loumis Parkway. He stated that he could make that happen if desired by the Planning Commission.

Commissioner Loumis referenced the issue of property lines that was brought up when the Planning Commission considered the application on March 16. In response to Commissioner Loumis' question as to whether the issue had been resolved, Mr. Olson stated that he agreed to put the new fence where the current one exists.

In response to Commissioner Loumis' question regarding secondary water, Mr. Olson said that if the property owner would like to stub, he was more than willing to do so.

With regard to on-street parking, Mr. Olson clarified that the CC&Rs specify that there will be no on-street parking beyond occasional, temporary visitors. With regard to tree removal, the CC&Rs state that tree removal is to be avoided whenever possible and no tree removal is permitted outside of the approved building envelope. All trees to be removed must be identified on the site plan and approved prior to removal.

Shem Wayman gave his address as 14457 South 1625 West and stated that he is impacted by Mr. Olson's development on two sides. He then identified the location of his home. Mr. Wayman stated that the revised access to Mr. Olson's subdivision will be helpful because it will allow him to maintain his privacy and safety. He reported that he accesses his property via a dirt lane to 14600 South. Mr. Wayman concluded by stating that Mr. Olson's new plan is better.

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

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In response to Commissioner Pavlakis' question as to whether the CC&Rs become part of the I-O, Mr. Crowell stated that staff recommends they not be part of what the City is responsible for because it becomes an enforcement issue. Mr. Crowell added that Exhibit B of the meeting packet, which enumerates the Infill-Overlay requirements for The Preserve at Springview Farms, should be the only thing that travels with the Ordinance. Mr. Crowell commented that the conceptual design for this project is great.

Commissioner Berry expressed concern regarding the availability of a fire truck turn-around. Mr. Crowell noted that meeting the Fire Code is a requirement for plat approval and will be addressed during the plat approval process. It was clarified that the plat provided by the applicant is merely a conceptual idea of how the property will be used if the two proposals are approved by the City Council. Commissioner Loumis noted that the sample plat layout meets most of the standards.

In response to Commissioner Pavlakis' question regarding whether the stubbing in of a road for secondary access could be part of the I-O, Mr. Crowell stated that it sounds like a private negotiation. However, if the Planning Commission believes it is related to the subdivision infrastructure and is important, the Planning Commission could make that finding.

Commissioner Pavlakis next commented that the Planning Commission spent considerable time addressing the 30-lot rule. She was not comfortable exceeding that requirement within an I-O because she believes it would set an undesirable precedent. She was very cautious about ensuring that the City follow what is on record, not what has been discussed and agreed upon outside of formal Planning Commission Meetings.

In response to Commissioner Berry's question as to whether the map that was provided is official, Mr. Crowell referred to the document that is the approved preliminary and final plat, which specifies the entitlements of the developer. It could be modified to some extent to address the order in which homes are built. For example, staff has concerns with driveways that back onto Loumis Parkway. Since Loumis Parkway is a collector road, it is important to limit the number of driveways that connect. Mr. Crowell clarified that the historical existing driveway accesses to Loumis Parkway will not be eliminated.

Discussion ensued on surrounding parcels to clarify that they are not part of the plat and, therefore, do not count toward the number of homes that will be built in the new subdivision.

Chair Peterson did not object to approving 31 lots. When Commissioner Brockbank sought to clarify that the Planning Commission is not approving lot numbers at this meeting, Mr. Crowell explained that technically they are because it is part of the proposed I-O Zone. Chair Peterson stated that there are not a lot of "cookie cutter" subdivisions left in Bluffdale, so he did not see a problem building one or two extra homes in a nice subdivision. Commissioner Brockbank stated that when a standard that has been set is not followed, it sets a precedent for others to request a variation from the standard. Commissioner Pavlakis agreed while Chair Peterson and Commissioner Loumis did not.

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Connie Pavlakis moved forward a positive recommendation to the City Council for the Preserve at Springview Farms General Plan and Zoning Map amendments, Application 2016-13, based on the following:

Findings:

- 1. The proposed change is consistent with the General Plan's density recommendations.**
- 2. The changes facilitate further appropriate mixes of residential land uses in Bluffdale.**
- 3. No subdivision approval is granted as part of this zone change and General Plan amendment application.**
- 4. The proposed changes will not be detrimental to the health, safety, or general welfare of the persons or property within the area.**
- 5. The specific I-O zone conditions will be adopted as part of the official ordinance.**
- 6. That the proposed I-O text is amended in the following ways:**
 - a. 16 lots instead of the proposed 18 lots.**
 - b. Trail easement to be recorded with plat.**
 - c. Add requirement for The Preserve at Springview Farms Architectural Review Committee approval as a condition of City building permit acceptance.**

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

Mr. Crowell noted that this item will be considered and voted on by the City Council at their May 25 meeting.

6. City Council Report.

Mr. Crowell reported that the parking ordinance is still under review as staff is still conducting research on the issue. The use of alley-loaded garages was back on the table. Mr. Crowell reported that he would provide the Planning Commission Members with a copy of the City Council packet.

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Mr. Crowell indicated that the City Council adopted the SD Zone. They adopted the version that included the Planning Commission in the approval process. They made minor procedural changes to the document that had been reviewed by the Planning Commission. Those changes clarify the advisory and approval roles of the Planning Commission and City Council. Mr. Crowell reported that the City Council invited the Planning Commission to participate in a work session in conjunction with the May 25 City Council Meeting.

Commissioner Pavlakis requested an updated version of the SD Zoning Ordinance. Mr. Crowell agreed to provide it to the Planning Commissioners. He explained that it nearly identical to what as contained in his updated memo. Mr. Crowell noted that the applicants have already applied for an SD Zoning designation.

Mr. Crowell noted that the SD Zone passed with a 3-to-0 vote. The City Council Members in attendance were Boyd Preece, James Wingate, and Ty Nielsen, as well as Mayor Timothy.

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

In response to Commissioner Loumis' question regarding activity by Woodbury, Mr. Crowell sated that there is a lot going on. The engineering and architecture is mostly complete. The technical details with surveying and the layout of the pads was mostly complete and ready to go to bid. The Smith's groundbreaking was tentatively planned for the end June. The Smith's property was expected close by the end of the week.

In response to Commissioner Loumis' question regarding plans for the corner of Bangerter and Redwood, Mr. Crowell stated that there is nothing specific yet. The interest is there because Smith's is coming in. Next week is the retailers' convention in Las Vegas. Woodbury representatives will be in attendance to promote their project. The businesses that go in will need to complement and not compete with Smith's.

In response to Commissioner Loumis' question regarding Riverton and Redwood Road, north of Bangerter Highway, Mr. Crowell explained that UDOT wants to make Redwood Road seven lanes from Bangerter Highway to 9000 South.

In response to Commissioner Pavlakis' question regarding the status of the roundabout, Mr. Crowell stated that it is mostly designed, but there are some design options being considered going east. The cross-section for the roundabout has to be at least 70 feet. Commissioner Pavlakis noted that the City's parade route includes where the roundabout will be located, so it needs to be large enough to accommodate parade floats. Mr. Crowell agreed to convey Commissioner Pavlakis' concern to City Engineer, Michael Fazio. Discussion ensued on the challenges roundabouts pose for parade floats, and possible solutions.

In response to Commissioner Luker's question regarding the 14600 South roundabout on the other side of the bridge, Mr. Crowell said that the process for that roundabout is going slower because the City is still working on property on the corner.

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Commissioner Loumis expressed his concern about what is happening with I-15 and 14600 South. Commissioner Luker talked about the progress that is occurring in that area.

Commissioner Berry commented that he would like to see Bluffdale get its own zip code.

8. Adjournment.

The Planning Commission Meeting adjourned at 8:22 p.m.



Gai Herbert
Community Development Secretary

Approved: June 15, 2016