



**AGENDA  
BLUFFDALE CITY PLANNING COMMISSION AND CITY COUNCIL  
JOINT MEETING  
February 17, 2016**

Notice is hereby given that the Bluffdale City Planning Commission and City Council will hold a public joint meeting Wednesday, February 17, 2016, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah, scheduled to begin promptly at 7:00 p.m. or as soon thereafter as possible. Notice is further given that access to this meeting by Planning Commissioners and City Council Members 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.

**JOINT PLANNING COMMISSION AND CITY COUNCIL BUSINESS MEETING – 7:00 P.M.**

1. Roll call, invocation and Pledge of Allegiance.\*

**CITY COUNCIL BUSINESS MEETING**

1. Preliminary acceptance of Aclaime at Independence Westgate Subdivision, and beginning the warranty period.
2. Adjourn City Council Business Meeting and continue with Planning Commission and City Council joint meeting.

**JOINT MEETING OF PLANNING COMMISSION AND CITY COUNCIL**

1. Discussion of Bringhurst / Staker proposed development, Matthew LePire, presenter.
2. Discussion of proposal for city wide noticing for land use applications.
3. Other business.
4. Adjourn joint meeting and continue regular Planning Commission business meeting.

**PLANNING COMMISSION BUSINESS MEETING**

1. Public comment (for non-public hearing items).
2. Approval of minutes from February 3, 2016, meeting of the Planning Commission.
3. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on Preliminary and Final Subdivision Plat Application for Plat N-1 for 31 Residential single-family lots and associated streets at approximately 15205 South 1020 West within the Independence Master Planned Community, 4 Independence, LLC, applicant.
4. City Council Report.
5. Planning Commission business (planning session for upcoming items, follow up, etc.).
6. Adjournment.

**Dated: February 12, 2016**

A handwritten signature in blue ink that reads "Grant Crowell".

Grant Crowell, AICP  
City Planner/Economic Development Director

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

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

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**Present:**

**City Council:** Mayor Derk Timothy  
James Wingate  
Boyd Preece  
Ty Nielsen  
Alan Jackson (arrived at 8:06 p.m.)

**Planning Commission:** Brad Peterson, Chair  
Connie Pavlakis  
Kory Luker  
Nick Berry  
Johnny Loumis, Jr.  
Von Brockbank, Alternate

**Excused:** Justin Westwood

**Others:** Grant Crowell, City Planner/Economic Development Director  
Jennifer Robison, Associate Planner  
Paul Douglass, Associate Planner  
Gai Herbert, Community Development Assistant  
Mark Reid, City Manager  
Michael Fazio, City Engineer  
Blain Dietrich, Public Works Operations Manager  
Vaughn Pickell, City Attorney

**JOINT PLANNING COMMISSION AND CITY COUNCIL BUSINESS MEETING**

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

**1. Invocation, and Pledge of Allegiance.**

Derk Timothy offered the invocation and led the Pledge of Allegiance.

**CITY COUNCIL BUSINESS MEETING**

Following the Planning Commission business, which occurred first, Chair Peterson yielded the Chair to Mayor Timothy to conduct the City Council business.

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**1. Preliminary Acceptance of Aclaime at Independence Westgate Subdivision, and Beginning the Warranty Period.**

City Engineer, Michael Fazio, reported that the plat is complete, but there are remaining items that need to be corrected. There is an asphalt trail that has not been made to the correct elevation. In addition, it does not connect correctly to the current adjacent street. There are also concrete items that need to be rectified. Mr. Fazio stated that he would need to defer acceptance of the subdivision to the City Council because he cannot recommend acceptance due to the pending items that need to be corrected.

Mayor Timothy sought to clarify that the bump on the trail at Noell Nelson Drive is not really the developer's responsibility because it was not a result of their negligence. He noted that the interface that the trail was connecting to was done incorrectly. Mr. Fazio stated that the Mayor was correct with regard to the cause of the problem; however, he noted that a contractor typically saw cuts the pavement several feet away so that the connection is correct. Therefore, the Aclaime contractor is responsible to correct the transition of the trail at Noell Nelson Drive. Mr. Fazio noted that there are other asphalt pavement and concrete items that need to be addressed.

In response to Council Member Nielsen's question regarding the availability of asphalt, Mr. Fazio stated that PG Oil has not yet begun the production of asphalt. Mayor Timothy added that this is not the right time of year to pave. Mr. Fazio noted that the improvements are not to be made until the weather allows. As a result, he cannot recommend acceptance of the development.

City Manager, Mark Reid, reported that he received a memo from Leonard Hight where he stated that all of the concrete items have been resolved. With regard to the transition between the trail and Noell Nelson Drive, Mr. Reid stated that the transition is between the two properties. The cost resulted from the road not being crowned properly. Mr. Reid stated that the City has a sufficient bond to complete the connection. Mr. Reid stated that the City Council could approve this item, knowing that the bond is in place. The initial bond on Westgate was \$4.4 million and the City is holding 25% to correct these types of issues.

Council Member Preece disclosed that the developer is a client of the engineering firm where he is employed; however, he has had no involvement with this project and has received no benefit from it. Mayor Timothy thanked Council Member Preece for his disclosure.

**Ty Nielsen moved to accept Aclaime at Independence Westgate subdivision with the outstanding items due to weather conditions inasmuch as the City has sufficient bond and begin the warranty period. James Wingate seconded the motion. Vote on the motion: James Wingate-Aye; Ty Nielsen-Aye; Boyd Preece-Aye. The motion passed unanimously. Alan Jackson was not present for the vote.**

**2. Adjourn City Council Business Meeting and Continue with Planning Commission and City Council Joint Meeting.**

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**JOINT MEETING OF PLANNING COMMISSION AND CITY COUNCIL**

**1. Discussion of Bringhurst/Staker Proposed Development, Matthew LePire, Presenter.**

Matthew LePire identified himself as a representative of Keystone Construction and was present to discuss the subject property. He reported that he has attended various DRC Meetings over the past year and the DRC has seen several iterations of the site. At this point, Keystone would like to get input from the City Council and Planning Commission on the property so that a legitimate plan can be put in place. Mr. LePire clarified that the information in the packet is not a proposal. He also noted that from the southwest corner to the eastern portion of the property, the elevation drops about 100 feet. He stated that there are site contour issues to be dealt with along Redwood Road for retail commercial because of the visibility in that location. Mr. LePire invited questions from the Council, Commission, or staff.

Mayor Timothy's main concern had to do with density and asked Mr. LePire to address that first. Mr. LePire noted that the plan has been revised considerably in terms of the amount of residential units versus commercial space. As a result of various conversations with marketing people in the City, the plan has shifted toward emphasizing commercial rather than residential. Consequently, a great deal of residential has been removed from the plan. As for the density, the intention is to first determine what the City's vision is for the property. This is one of the last pieces of legitimate property of this size in Bluffdale City and Keystone wants to do it right by seeking the City's input. With regard to the density, Mr. LePire stated that his company does not know what the magic number is at this point. With the current zoning, the density is about seven units per acre. Mr. LePire reiterated that this is a tricky site because of its topography, so the density will have to be isolated to certain areas. The intent is not to put 400 apartments on a residential parcel on the property. Mr. LePire next noted that the trails are in place and additional amenities can be added to enhance the trails and make them more useable.

Mayor Timothy thought that comparatively speaking, this would have a higher overall density than any other area in the City. Independence is being built per a Development Agreement. At the time it was created, the densities were not part of the Development Agreement. The density for the apartments and townhomes that is allowed in that Development Agreement is significantly greater than what the City would find desirable now. He commented that homes with shared driveways have been problematic.

Mayor Timothy stated that he tries to be fair and understands the topography because he has been on the property. There are not only elevation changes but ledges as well. From a development perspective, it would be difficult to put a large lot in some areas or a retail or commercial use. In order to develop in some of the areas, the structure would need to have a smaller footprint. Acknowledging that there is a balancing act and that the property is on Redwood Road and next to the future Porter Rockwell Boulevard, Mayor Timothy stated that transportation will be much easier in the future, especially when Porter Rockwell Boulevard connects to 14600 South. With regard to density issues, there is a transportation element that is different here than in other areas in the City. The density, however, was still of concern.

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Mr. LePire explained that as the process continues, adjustments can be made so that the densities are sensible. There are areas Keystone would like to develop as high-end gated communities. The land also allows for commercial spaces, semi-dense spaces, and low-density space. Mr. LePire emphasized the need for flexibility on the property using a more contemporary type of land planning rather than a typical lot layout. The nature of the topography will require creativity, so he wanted to visit with the City Council and staff to determine the options they would be open to. He definitely did not want to see the property be developed as all residential.

Chair Peterson asked about the vision for the Light Industrial, which is sizable. Mr. LePire stated that there is the potential for flexibility, depending on what the current City Ordinances are and what potential changes might be needed for the overall plan. He hoped to see multiple commercial uses in the Light Industrial area. Company representatives have spoken with several businesses that are looking at the site and they don't want to limit themselves to Light Industrial.

Mr. LePire next stated that the amount of residential and commercial uses that were originally proposed has changed considerably, so the intent going forward would be to have a true commercial corridor along Redwood Road. The topography of the property lends itself to commercial development that doesn't interfere with residential. Mr. LePire commented that the initial layout is open to discussion to get a broader perspective of the uses for the property.

Chair Peterson stated that as he has visited with citizens, commercial development is something they want to see in Bluffdale. He had not spoken to anyone who is opposed to commercial. Mr. LePire believed the fortunate thing about the site, which he called the four corners of the south end of the valley, is that there is a great opportunity for a commercial corridor. He was hopeful that the City will be supportive of that type of vision. There is a lot of excitement in the marketplace with regard to the property. A more formalized plan can be developed and presented to market to prospective commercial entities.

Returning to the issue of density, Mr. LePire reiterated that he knows that issue will need to be considered carefully and modified to meet the expectations of the City so that it fits in the City and has a functional design.

Council Member Nielsen followed up on Chair Peterson's comments by stating that he has visited with residents of Camp Williams who come periodically to training. They do their training during the day and in the evenings there is little to do. Council Member Nielsen hoped to see something developed that will keep those people in Bluffdale. Mr. LePire had heard the same concern and also wanted to keep them in Bluffdale. Mayor Timothy stated that a sit-down restaurant would be beneficial.

In response to Commissioner Pavlakis' question regarding Mr. LePire's comment about going from a higher density to a lower density, Mr. LePire explained that he sees low density as three to four units per acre. Commissioner Pavlakis clarified that in Bluffdale, low density is seen as one unit per acre. She wanted to ensure that everyone is using the same verbiage.

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In response to a question raised by Commissioner Pavlakis, Mr. LePire identified where Porter Rockwell Boulevard will enter the property. Commissioner Pavlakis observed that the subject property isn't actually on the corner and is further south. She asked why there isn't a topographical map since topography is a key component of the property. She asked Mr. LePire to identify where the biggest drop occurs. Mr. LePire reviewed the elevations on the map. He stated that the intent tonight is to get a feel for what the City wants to see on the property. He added that breaks in uses have been influenced by the topography of the property.

In response to Commissioner Pavlakis' question regarding the elevation change from commercial to residential, Mr. LePire stated that the drop is 30 to 40 feet. Commissioner Pavlakis next asked if there is a significant drop near the road. Mr. LePire explained that some retaining walls will be necessary to help buffer the lighting from commercial to residential. The drop will be approximately 10 feet.

Commissioner Pavlakis commented that she doesn't want another Independence. Mr. LePire believed the area will be quite different. Commissioner Pavlakis stated that she has driven the property and the portion that is not visible from the road is amazing. She hoped to see one-acre lots there because there is great horseback riding potential. She thought it would be an ideal place for a high-end gated community. Council Member Nielsen added that he has ridden in the area and concurred with Commissioner Pavlakis' assessment of the property. Commissioner Pavlakis did not want to see townhomes in the area.

Mayor Timothy referenced Spring View Farms, which has elevation changes similar to the property being discussed. He stated that the developers made it work because of clustering, but the overall density is 1.35 units per acre. Therefore, Mayor Timothy suggested that the area might work better with clustering. He asked the City Council and Planning Commission to discuss whether they would be amenable to such an idea. Mr. LePire commented on the open meadows and stated that clustering would allow residents to utilize an amazing amenity that cannot be reproduced because it would create more open space and allow residents to utilize what is there. Council Member Nielsen did not want the property to be like Daybreak, Herriman, or Draper. Mr. LePire concurred. He hoped to see retail development come to Bluffdale, as well as nice estate homes. He commented that it will take some balancing to achieve those two objectives.

With regard to animal rights, Mr. LePire did not know what is allowed on the trails. He did not want to allow animal rights if users cannot use the amenities that currently exist. If it makes sense going forward, he would be in favor of preserving animal rights.

Chair Peterson liked the idea of developing commercial property, but was nervous about what might be developed to the west in Herriman. It was his understanding that there are plans for high density there, so even if the east side of Camp Williams Road is low density, there will be enough population on the west side to support the commercial. Chair Peterson hoped to see the property have a much lower density with higher-end homes rather than clustered homes. Chair Peterson explained that the CRO zone refers to an area where the overall density remains one unit per acre

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but because there are unbuildable areas, homes are clustered on smaller lots. The unbuildable areas, however, still count toward the overall open space, thus maintaining the overall density. He wanted to see the density remain low with the development of higher-end homes. Chair Peterson acknowledged that the amount of buildable property in Bluffdale is diminishing so the possibility of bringing the CRO zone back had been identified as an option.

Mr. LePire stated that because the site is fairly large, there could be a specially designated zone. He stated that the zones could be created and the City would define the parameters of the zone, which would make it easier for the developers to determine how to utilize the property. Chair Peterson noted that Mr. LePire's suggestion has been implemented on several parcels in the City and that may need to be continued. Mr. LePire added that those areas could be clearly defined.

Commissioner Berry thanked Mr. LePire for coming to the City so early in the process and asked how he would involve the community in his plans. Mr. LePire commented that this is a tricky site because it doesn't have an abundance of neighbors, however, typically he conducts a neighborhood meeting with residents who live within 1,000 feet of the property. In this case he will want to get feedback from the larger community. After the neighborhood meeting, he typically shares the feedback received with the City Council and Planning Commission.

Commissioner Berry asked about the commercial contacts Mr. LePire has for the property. Mr. LePire stated that grocery stores are one of his contacts along with small retail box users. He wanted to see what his parameters are so that he can then go into the marketplace and attract the right commercial entities to the property.

Council Member Preece stated that there are some advantages to having higher density next to commercial to act as a buffer, however, with the elevation change, that might not work. Higher density close to commercial allows the commercial to be more successful. In the end, he was more excited about commercial than he was worried about density. He clarified that he was not pushing for townhomes. Council Member Preece stated that one unit per acre is a lot to ask of a developer but 15 units per acre is far too high. He believed that six to eight units per acre against the road would be acceptable. Transitioning to the canals, the density should be three or four units per acre. Council Member Preece observed that the density can be set but consideration should be given to the fact that some of the terrain is not buildable.

Council Member Nielsen commented that the City does not have any public transportation and UTA does not support Bluffdale. Mr. LePire stated that as the area builds out it might be possible to attract public transit. Mayor Timothy added that if there was a sit-down restaurant and transportation to the establishment from Camp Williams, it would be successful. Mr. LePire added that a shuttle service would likely go in to accommodate that need. Commissioner Loumis stated that he would personally rather not see Light Industrial in the area unless it is a tire shop or other similar commercial use. He supported the idea of a sit-down restaurant, convenience store, or a small strip mall.

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Council Member Wingate was in favor of utilizing the CRO zone for this project. The lot sizes in various communities in the City were discussed. Mr. LePire stated that commercial is not part of the aforementioned areas and the property he is looking to develop is truly unique. The zone types need to be determined so that he can begin to move forward.

Council Member Wingate's understanding regarding the properties to the north was that they will be commercial as well. He believes there needs to be cooperation in determining where the action points will be based on their agreements with UDOT with respect to where traffic signals are allowed. Mr. LePire wanted to bring consistency from Porter Rockwell Boulevard going south. He observed that the City's General Plan is an important component in making these determinations.

In response to Chair Peterson's question regarding the ownership of the sliver of property west of Mr. LePire's property and the commercial area outside of the red line on the map, Mr. LePire reported that it is owned by the adjoining property owner. Chair Peterson asked if Mr. LePire had spoken with the property owner about the potential use of the property. Mr. LePire stated that it would be easy to transition to that area based on the zoning designation.

City Planner/Economic Development Director, Grant Crowell, observed that this section of the General Plan was changed in 2011. The area shown in brown on the map is labeled multi-family but has not been zoned as such yet. Mr. Crowell identified the area that has already been zoned commercial with three to four units per acre north of Porter Rockwell Boulevard. He noted that the Mixed-Use Zone allows up to 10 units per acre if that zone was to be used. He added that the Economic Development Strategic Plan identifies the area as a prime commercial area.

Mr. Crowell emphasized that commercial development needs to have a reasonable and realistic expectation of what can be accomplished and not just an idea about what it should be. He added that commercial viability has a relationship to the transportation infrastructure. There is capacity along Camp Williams Road and on Porter Rockwell Boulevard where traffic will be generated. The access points will require additional work with the property owners and UDOT, which is a complex process. Other factors need to be determined inside the project. A great deal of information still needs to be gathered with respect to traffic and aesthetics.

Mr. Crowell added that opportunities may exist in the community that the City has been planning for in the Capital Facilities Plan and the Parks Plan have not yet been discussed. These include the need for a 25 to 35-acre regional park. Mayor Timothy did not think the regional park would fit well within this property because of the elevation changes. As for the zoning options, Mr. Crowell stated that the CRO was not repealed and was only revised so that it would be undesirable in its current configuration. Mr. Crowell advised the Planning Commission and City Council that in the future a proposal will come from a developer to create another type of special development zoning.

Due to the amount of interest in the community, Mayor Timothy invited interested residents to comment.

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Gary McDougal gave his address as 15500 South Redwood Road and stated that he owns the adjoining property. He confirmed that the pie shaped parcel on Camp Williams Road belongs to him. Mr. McDougal acknowledged that there is some concern with what is going on in Herriman but he wanted to speak to the overall plan. Approximately 10 years ago he approached Herriman City regarding his property and then visited with Bluffdale City. Several years ago he paid for a traffic study at one location and Bluffdale City paid for a traffic study at another. He identified the locations where UDOT agreed to place traffic signals. He added that he has given UDOT free access to his property and Herriman is on board with the idea. Mr. McDougal next observed that if commercial is going to be developed at this location, there needs to be a beltway or frontage road that moves traffic at a location other than the intersection. Such a road would facilitate traffic flow and make the interior commercial viable. The access also has to be protected so that it works for both cities and the developer.

Mr. McDougal reported that he had worked with UDOT for years on getting the access points approved, and there is no flexibility without UDOT's permission. He did not believe his property would be ready to be developed until the road comes through because he needs to be able to come off of Porter Rockwell Boulevard and back around. He was pleased to see discussion on the zoning and concurred with Council Member Preece that density helps the commercial.

Joe Sartori reported that he lives on the south end of Parry Farms and he found it very comforting to hear the discussions taking place regarding the subject property, particularly the definition of high and low density. He commented that he and his family came to Bluffdale because of what it stands for. He expressed his support of the commercial development that is anticipated.

Alisha Newbold gave her address as 15637 South Packsaddle Drive, which is in Parry Farms. She thanked the City Council and Planning Commission for their points of view that clarified what the City really values. She also did not want to see more high density development and wants to keep open space to preserve property values. She agreed that commercial needs to be developed but believes it needs to be the right commercial.

George Spargen gave his address as 14712 South Sage Crest Drive and acknowledged that the property is going to be developed to the extent possible, but the land needs to be viable. Mr. LePire also wanted the land to be viable, which is why he asked to meet with the City Council and Planning Commission. The intent was to have sustainable commercial. Mr. Spargen did not want a repeat of what has happened in West Jordan at Jordan Landing here. The developer has not maintained the buildings and they are becoming dilapidated. Mr. LePire stated that one advantage of the site is the number of commercial areas that are possible. The site is very unique because it is truly a stand-alone site that offers various amenities. His goal was to use the relationships he has in the marketplace to attract users. Mr. Spargen reiterated that he does not want to see facilities go in and then become abandoned.

There were no further public comments. Mayor Timothy closed the public comment period. He invited interested parties to contact him and members of the City Council and Planning Commission to voice additional comments. Mr. LePire invited public input as well.

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Commissioner Pavlakis was not in favor of mixed use because of problems Mr. Crowell identified earlier. She felt that commercial fits better. Mayor Timothy informally asked members of the City Council and Planning Commission to indicate whether they agree with Commissioner Pavlakis' opinion. Feedback from the meeting participants confirmed they and the Mayor concurred.

Commissioner Pavlakis noted that this is a large piece of property and asked if there will be other access points off of Redwood Road. Mayor Timothy explained that the City entered into an Access Management Plan with UDOT to have specific points identified where the City would be allowed to connect in the future. There are many property owners along Redwood Road but they cannot all connect to Redwood Road. The importance of connectivity was discussed. A plan is in place that identifies where the access points will be. Commissioner Pavlakis was concerned that if the residential is going to be on the back side it will be the only access that feeds into the neighborhood.

It was noted that there will also be connections to the south. Mayor Timothy added that there needs to be connectivity on the back side as well. Mr. LePire added that as future development comes forward, the roads will connect, however, with respect to this particular development, there will be a primary and a secondary access. Discussion ensued on ensuring adequate access points. Mr. LePire reiterated that his company wants to develop the land in a manner that the residents will be pleased with it.

Chair Peterson stated that residents don't always have a say in what is developed. He admonished Mr. LePire to bring in the best end users possible. Mr. LePire agreed to stay in close contact with the City. He noted that he cannot attract end users without a plan and the plan will require collaboration with the City.

Chair Peterson commended Mr. LePire for coming to the City so early in the process.

City Manager, Mark Reid, stated that the City has been working on the site for years. He added that efforts are ongoing to set up a development area to obtain tax increment funding for the property.

**2. Discussion of Proposal for City-Wide Noticing for Land Use Applications.**

Mr. Crowell explained that at the last Planning Commission Meeting the issue of the noticing process for land use applications was suggested as a discussion topic at tonight's meeting. Before staff goes too far in the ordinance drafting process, he thought it would be helpful to get a sense of direction from the City Council and Planning Commission. Associate Planner, Jennifer Robison, assisted Mr. Crowell in preparing a spreadsheet of what is currently required. The question raised at the Planning Commission Meeting was whether elements of the City Code could be identified that specify certain circumstances, including mail-outs to the entire community. Mr. Crowell stated that in his notes the concern was specifically for the single-family residential subdivisions. Since the concern was generated by the Planning Commission, Mr. Crowell invited a Member of the Planning Commission to address the issue.

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Commissioner Pavlakis noted that she raised the concern, which was based on recent issues that have come before the Planning Commission and City Council. She stated that citizens are not informed and are upset after the fact. Most recent was the Summit Academy proposal and the associated parking and traffic issues. Residents on 2200 West were not notified of the meetings. In addition, Smith's Marketplace affects everyone in the City because it is at a main thoroughfare for residents on the west side of the City. She felt they should have been made aware that this type of traffic impact is coming.

Commissioner Pavlakis explained that the request pertains to commercial, civic institutional, and other non-residential uses. It will not affect a landowner with one acre who wants to develop. Conditional uses and variances for small projects do not need to be noticed City-wide. Commissioner Pavlakis liked the idea of posting signs but did not find it sufficient on its own for land use. She clarified that she believes that General Plan, land use, zoning, and subdivision changes should be under the jurisdiction of the City. She did not think that preliminary and final subdivision plats are clear cut but considered a mailed notice to be important.

With regard to posting items on the City's website, Commissioner Pavlakis stated that when feedback was sought for the proposed City logo, the largest percentage of respondents were in the 25 to 34-year age range. The next age group was 35 to 44 years. Thus, 25 to 44-year-olds will be essentially the only segment of the population the City will get the information to if noticing is done via the Internet. There will be a small percentage of older people, but using the Internet leaves out a key demographic. She noted that the logo selected by the age group to which she earlier referred chose the logo with the horse in it. Though the tag line will not be included now, they expressed support for the tag line "Old Values, New Beginnings." Bluffdale has a lifestyle that citizens want to protect, so when larger entities come in, it is considerate to inform the citizens. She commented that the noticing process doesn't cost the City because the applicant pays the cost.

In response to Chair Peterson's question regarding the number of responses on the logo, Commissioner Pavlakis confirmed that there were 285. Chair Peterson stated that the number of people from a community of just over 10,000 who responded to a City-wide survey shows him that there aren't enough people who get involved and care. He did not see why the City has to mail and notice every citizen in the City about something that may affect them since most won't respond.

Mayor Timothy added that the City is already doing more than State Code calls for. Council Member Wingate asked about the idea of sending out a mailer asking citizens how they would like to be noticed. People could be included on a list and notified of all projects. Council Member Wingate stated that such an idea might be a compromise because even though the applicant pays the cost of the noticing, staff still has to stuff the envelopes. Commissioner Pavlakis countered by stating that the notices could be sent to a mailing house at a lower cost. Council Member Jackson stated that perhaps people could receive every notice by mail if so desires. Commissioner Pavlakis stated that it might be necessary because some people aren't being reached by the Internet. Council Member Jackson reiterated Commissioner Pavlakis' observation and stated that those not being reached are people who have lived in the City the longest. He was not in favor of big yellow signs because they clutter up the City.

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Commissioner Luker liked the idea of the big yellow signs because the people most affected will be those who drive past the signs. Mayor Timothy likes the signs because if it is always yellow, people will recognize it. Concern was expressed about the potential for signs to get stolen. Mayor Timothy commented that the City should be able to establish a way for residents to be placed on customized lists that the City could easily manage. Chair Peterson thought the City newsletter was the best way to communicate.

Council Member Nielsen referenced the mass mailer from the County that went out on the Regional Park. He was working for Herriman at the time and attended some of their meetings. It was amazing to him that citizens acted as though the Regional Park was something that had come up at the spur of the moment and they claimed they had never been noticed. Buyers need to also be aware of what they are getting.

Commissioner Pavlakis returned to the topic of the newsletter and stated that the newsletter goes with billing. When people are billed, they see what they owe and discard the rest of the materials and go online and pay their bill. She suggested the mailer be a separate item. In response to Commissioner Pavlakis' question regarding when the City last sent a City-wide mailing, Mayor Timothy stated that it was the park survey. Commissioner Pavlakis stated that at the previous Planning Commission Meeting, staff claimed that the City doesn't have a list. Mr. Crowell stated that the City doesn't have a compiled current list. The information was gathered from data points from the County and some hand sorting.

Commissioner Pavlakis reported that she spoke with the County who can provide the City with a list of the owners of every parcel in Bluffdale at a cost of \$109.58. Mrs. Robison stated that the list changes daily. Commissioner Pavlakis stated that the County provides the addresses of property owners, which are really the people the City is trying to notice, not renters.

Mrs. Robison noted that when the City gets a new plat, it takes time to be updated. If the City plans to make a broad statement that it is going to reach every household, that objective will never be reached. Commissioner Pavlakis stated that there are currently 2,512 actual delivery addresses if one is trying to do a saturation mailing. She stated that there are ways to get the information out. Her biggest concern was citizens not being aware of major projects in the City. She believed it was a disservice to the citizens to not notice them. She recommended there be a better way to let people know what is going on. For major items, she believed it would be worth the \$110 investment to create a data base or spreadsheet as a basis to start an initial mailer.

Mayor Timothy commented that it is difficult to get people within 1,000 feet to comment. Beyond that the chances of citizens getting involved is minimal. He felt that if a mailer were to go to the entire City, it would have to be for a substantial reason. After such a mailing is done, the City would need to analyze how effective it was and determine whether to continue doing it. In response to Mayor Timothy's question regarding the cost of a mass mailing, Commissioner Pavlakis stated that it would probably come out as an average between what the routes are and what the actual parcel numbers are. There are also duplicates that would need to be removed. She estimated there

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would need to be 3,600 mailings to reach all owners of property. The services of a mailing house would cost \$1,832. The City would print the mailer and take it to the mail house who would do the folding and stuffing and print the envelopes. The cost would be borne by the developer and not the City.

Mayor Timothy noted that he recently attended a training about open meetings where the issue of taking was discussed. The training included case histories and was interesting because it dealt with the complexities of negotiating with developers. He stated that the City needs to be careful to not require more than is required by State law.

Commissioner Pavlakis stated that using post cards would result in one-third the postage. Mayor Timothy replied that the savings would be to the City. Commissioner Pavlakis countered by opining that the developers would be willing to pay it.

Commissioner Brockbank stated that this conversation was a result of the shopping center and the school. Nearly everyone in Bluffdale is affected by the traffic that will be generated there. He felt it was a shame that the City did not feel it was necessary to notice what effect it would have. He felt it was important that the City notice the citizens but that the citizens get involved. He felt that noticing the greatest number of people was the best option.

Noticing issues were discussed. Council Member Wingate thought that the number of people who will want to receive notices by mail will be small and not cost prohibitive. He believed the majority will ask for the notification to be provided online. Mayor Timothy opined that if the City plans to exercise the option, they need to incur the cost. Council Member Jackson concurred, stating that it would be money well spent.

Mayor Timothy stated that noticing is labor intensive. Commissioner Pavlakis replied that she had researched the options for using mail houses because it is less costly. Mayor Timothy stated that if the City is going to use other avenues of providing notifications to the public, the City needs to decide which avenue to use and then do it right. Commissioner Pavlakis concurred and stated that what was provided in the meeting packet was not what the Planning Commission asked for. Mrs. Robison countered by stating that the Planning Commission asked staff to provide information about noticing. Staff believes it is important for the City to understand what State and City law requires. Staff was trying to illustrate that information and educate the Planning Commission and City Council. Consequently, staff went to a lot of effort to provide adequate information to help the Planning Commission and City Council understand the process. Commissioner Pavlakis stated that the Planning Commission asked for information on noticing the entire City on non-residential site plans. Mr. Crowell stated that in his notes the request was for non-single-family residential site plans. Commissioner Pavlakis believes that citizens want to know about general plans, zoning, preliminary subdivision plats, and site plans.

In response to a question raised by Mayor Timothy, Commissioner Pavlakis stated that citizens want to know about the commercial and civic institutional aspects of site plans. Mrs. Robison asked Commissioner Pavlakis if she doesn't believe conditional uses are important because the City

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will have non-residential conditional use requests. Commissioner Pavlakis stated that with conditional uses, the structures and access points already exist. The way the City notices for conditional uses and variances works because she is more concerned about traffic and the impact it will have on the general public.

Mr. Crowell stated that if the City wants to include it in the Land Use Code, it is appealable and needs to be objectively stated. The City Attorney can specify what that means. Every time the City institutes a noticing requirement, mistakes can be made and if they do, the item is appealable. The Land Use Code would need to specify the size of the site plans and the noticing requirement. If the Land Use Code is to be altered, the City needs to know exactly what it is to be changed so that the fee schedule can be revised accordingly. If it is included in the Land Use Code, the language needs to be very objective and clear. Reference was made to effective notice and actual notice which need to be clearly understood so that the Code can be fixed. Mr. Crowell acknowledged that the current Land Use Code needs work. But if there are to be clarifications to additional requirements, the City needs to be very specific.

Council Member Jackson was only in favor of mailing to the entire City on rare occasions. He believed the first step was to find out what the City's new website will and will not allow the City to do in this regard. If the City cannot notice the majority of the City electronically, it would be possible to limit the specifics.

Mayor Timothy stated that most people have cell phones, so a text message would be an effective way to communicate. He wants to meet the needs of the citizens in a cost-effective manner. He added that the website is nearing completion. Commissioner Pavlakis stated that if it cannot be done through the website it could potentially be accomplished through a database or spreadsheet. Mayor Timothy believed that an initial database would be fine but had seen many notifications through social media. He felt that once the new City website goes online, a Planning Commission Member or City Council Member should be allowed to post a notification to residents on social media. He stated that the City website should become more valuable for residents than a Facebook page. Using electronic means of notification would not cost the City anything. Thus, he wanted to wait and see what the capacity of the City website is. He hoped the initial database would be self-perpetuating.

Chair Peterson stated that it would be difficult to convey everything regarding a public hearing via a text message, however, a mass text could be sent indicating that there will be a public hearing and refer to the website for details. Mayor Timothy stated that meeting packets could be placed on the City's website. Commissioner Pavlakis asked how communication will reach those who don't use the Internet. She recommended a combination of notification methods and suggested the notification process to be as cost-effective as possible.

Council Member Wingate indicated that he posts information on Facebook to inform people. He would like to see all information disseminated on the website because it takes time to post information to social media. Mayor Timothy reiterated that he would like to see the City website

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become a central point for people to get information. The new website needs to be more valuable than Facebook.

Commissioner Pavlakis asked if the City could approach the County to get the database and prepare a mailer to ask people to specify how they want to be notified. Mayor Timothy suggested that it would be better to wait until the website is up and running. With regard to Commissioner Pavlakis' question regarding people who don't use the Internet and want the mailer, Mayor Timothy did not know if a mailer should be an option in the survey. He recommended the City specify circumstances under which a mailer would be sent out. For the survey citizens would be asked their preference from among other options. He believed that many of the City-wide mailings would be a waste of money.

City Attorney, Vaughn Pickell, believed there was a legal concern with doing too much noticing because of the requirement for reasonableness. He stated that it hinges on whether the action is administrative or legislative. If an action is legislative, more people should be involved. If it is administrative and something that meets the terms of the City's zoning, the City's hands are tied to prove it. Mark Reid added that there are times when people don't want the City Council to vote for something, but they may not have a choice.

Commissioner Brockbank cited the example of the school and stated that if the City Council has already made up its mind and has no choice, thereby making input by the citizens unnecessary, he questioned why a public hearing would take place. Mr. Reid stated that all meetings are required to be public. Commissioner Brockbank added that if a proposal is detrimental to the City, the City Council has the right to set parameters. If the City can't do that, staff could approve it without a meeting. If the City Council has already made up its mind, it doesn't do any good to notice everyone. Commissioner Loumis noted that the school was approved with a recommendation from the Planning Commission that they did not think the plan was going to work as originally proposed. The applicant made revisions and the City Council approved it.

Council Member Preece stated that he believes there is an elephant in the room in that the citizens have a voice outside of just being noticed by communicating with their elected officials. The citizens place a great deal of faith in the elected officials. Mayor Timothy stated that people want to be represented unless the City Council makes the "right choice." If the City Council makes the "wrong choice," the citizens feel differently. If the citizens are unhappy, the elected officials won't be reelected.

Commissioner Pavlakis stated that the noticing information in the meeting packet refers to preliminary subdivision plats and final subdivision plats. State Code doesn't require much other than a meeting notice. The requirements are greater on an amendment. Mrs. Robison confirmed Commissioner Pavlakis' observation. Mr. Pickell stated that that requirement is stated as it is because it is an administrative process. If it meets the requirements of the ordinance, it "shall" be approved. Once a plat is recorded, if it is amended, property rights are affected within that subdivision, which is why additional notice is required.

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Mr. Pickell clarified that the only time a preliminary subdivision plat would come before the City as a legislative process would be if the applicant needed some sort of zoning change. Mayor Timothy added that the 1,000-foot requirement includes the 1,000 feet outside of the border.

The Mayor stated that it would be nice to know the capacity of the website. He expected it to be good, based on the information he has received. Once the capacity is determined, the Planning Commission and City Council need to decide as a group what the City is really going to notice City-wide. He suggested that one person start a list to be distributed for further input. Ultimately it will be the City Council's decision although the Planning Commission will be included.

Council Member Jackson asked if the City would be legally bound if it committed to the noticing process. He wanted that question to be part of the discussion moving forward. Mayor Timothy was certain that the City Attorney will be monitoring the process closely. He thought the main goal was to compile an accurate list of what would be done City-wide in a physical mailing, which would be separate from what the City can do to make electronic noticing effective. Mayor Timothy asked Commissioner Pavlakis to create the initial list of circumstances under which a physical mailing would be sent city-wide. The website will not be used until it is completely ready. The first survey will be through a physical mailing. Commissioner Luker asked how new citizens who move in will be included in the process.

Chair Peterson stated that when people receive a Notice of Occupancy, they get a flier that includes contact information. Mayor Timothy stated that notices are placed in bills. He added that everyone should have the opportunity to be notified electronically. Mayor Timothy added that residents have plenty of options to stay informed. The 1,000-foot notification is still the applicant's responsibility. He added that he tries to be fair to the interests of all. He asked that meeting participants not visit with the public about this issue until the City website is up and running.

**3. Other Business.**

There was no other business.

**4. Adjourn Joint Meeting and Continue Regular Planning Commission Business Meeting.**

Mayor Timothy adjourned the Joint Meeting and yielded the chair to Chair Peterson.

**PLANNING COMMISSION BUSINESS MEETING**

**1. Public Comment (For Non-Public Hearing Items).**

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

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**2. Approval of Minutes from the February 3, 2016, Meeting of the Planning Commission.**

Von Brockbank moved to approve the minutes from the February 3, 2016, meeting of the Planning Commission, as amended. Nick Berry seconded the motion. Vote on motion: Kory Luker-Aye; Nick Berry-Aye; Von Brockbank-Aye; Connie Pavlakis-Aye. The motion passed unanimously with two abstentions. Brad Peterson and Johnny Loumis, Jr., abstained as they were not present at the February 3 meeting.

**3. PUBLIC HEARING, CONSIDERATION AND VOTE on Preliminary and Final Subdivision Plat Application for Plat N-1 for 31 Residential Single-Family Lots and Associated Streets at Approximately 15205 South 1020 West Within the Independence Master Planned Community, 4 Independence, LLC, Applicant.**

Chair Peterson moved the above agenda item to the beginning of the meeting. Associate Planner, Jennifer Robison, presented the staff report and stated that the subject property, Plat N-1, is located at the Independence at the Point subdivision. 31 single-family dwellings were proposed.

Mrs. Robison reviewed a map of the area and identified the location of the subject property. She next reviewed the plat that was included in the meeting packet. The plat is located along Noell Nelson Drive. Mrs. Robison identified the power corridor that requires a 50-foot easement. The developers were asked to highlight the location of the easement to identify the usable and buildable area on the plats. There is also another easement, which affects what can be included in the easement. The developer was asked to provide a home location plan on the lots that will have easements to show where homes can be built on the impacted lots.

Mrs. Robison next reviewed the Street Tree Plan, which meets the requirements of the Subdivision Ordinance and the Development Agreement.

In response to Chair Peterson's question regarding Lot 692 and if the home will meet the setback requirements because of the easement on that property, Mrs. Robison stated that staff had the same concern. The developer was asked to draw a home plan showing that the setbacks can be met for each of the lots. Mrs. Robison deferred the question to the applicant.

In response to Commissioner Brockbank's question as to whether the side yards would need a variance, Mrs. Robison stated that the side yards are five feet, which has been typical in the other plats. The rear yards are 10 feet and the front yards are 20 feet. The front yard requires 20 feet to accommodate the driveway.

Chair Peterson opened the public hearing.

Nate Shipp gave his address as 1099 West South Jordan Parkway and identified himself as the applicant. He first addressed the questions regarding the easements and indicated that staff recommendation number 3 addresses the requirements for the lots that include the power easement. Mr. Shipp noted that there will be more language coming from Rocky Mountain Power that will add specificity to what can and cannot be built in the easement. He stated that he is going to propose

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amending the recommendation to include a statement that a mylar cannot be recorded until specific language is received from Rocky Mountain Power that will be added to the mylar to enumerate the specifications of what can and cannot be built on the easement, including landscaping.

In response to Commissioner Berry's question regarding when Mr. Shipp expects to receive the information from Rocky Mountain Power, Mr. Shipp stated that he has been working with RMP for the last several months. He hoped to receive it within the next week, but it is needed before a mylar can be recorded.

In response to Commissioner Pavlakis' question regarding the verbiage anticipated, Mr. Shipp stated that he believes it will be very specific and will not allow for trees to grow above a certain height. It will, however, allow for temporary structures that can be moved or disassembled. There will also be restrictions on the height and size of temporary structures.

In response to Commissioner Pavlakis' question regarding concrete or fencing, Mr. Shipp did not think it specifically stated that, which is one of the reasons he was asking for clarification of their interpretation of the easement.

Chair Peterson next asked about the tree types identified on the Street Tree Plan, specifically the snow crabapple tree. In response to a question raised, Council Member Nielsen stated that it is a small tree and is not messy.

Commissioner Brockbank expressed concern regarding the potential for Rocky Mountain Power to impose more restrictions than are already stated. If that is the case, he wanted to know what the next steps would be. Mr. Shipp stated that currently the easement is restricted to where it is. The homes will be constructed outside of the easement. He and staff are asking Rocky Mountain Power to specify what will and will not be allowed in that easement. The easement portion will be part of a homeowner's yard, so Mr. Shipp wants to clarify what will be allowed in the yard area so that prospective buyers know in advance how they can landscape their yard. Mr. Shipp reiterated that he knows where the homes will be located, along with their setbacks, and that will not change.

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

Commissioner Brockbank was pleased to see single-family residential lots.

Commissioner Pavlakis' only concern pertained to the concrete driveway on Lot 699 that would be located on the easement. She was anxious to hear what Rocky Mountain Power has to say regarding that lot. Mr. Shipp assured the Planning Commission that a concrete driveway will be allowed.

**Kory Luker moved to forward a positive recommendation to the City Council on the Independence at the Point Preliminary and Final Plat N-1 Application 2015-61, subject the following:**

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**Conditions:**

1. That all requirements of the City Code, adopted ordinances, and the Independence at the Point Development Agreement and Project Plan are met and adhered to for the proposed plat.
2. That the plat complies with the Bluffdale City Engineering Standards and Specifications and Recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings prior to the plat recording.
3. That for lots 685, 691, 692, 698 and 699, no structures can be constructed within the 50-foot power easement. Any additional easement restrictions shall be identified on the final plat prior to recording. The mylar shall not be accepted until Rocky Mountain Power provides the easement specifications that is yet to be provided to the applicant and the City.
4. That for each building permit submittal, the City requires a certification in the form of a grading and drainage plan for each lot, stamped and certified by a professional engineer. This should be submitted with the site plan and building permit. No building permit shall be issued without this.
5. That after construction, before a certificate of occupancy is issued, the builder shall submit a certification by a Professional Civil Engineer that the lot was actually graded according to the initial engineered plan and that no construction has interfered with that plan.
6. That the project adheres to all requirements of the International Fire Code.
7. That all building permit submittals for homes have written or stamped approval from the Independence Development Review Committee, pursuant to the requirements of the DA prior to being submitted to the City.
8. That all street trees shall be installed in the park strips prior to the issuance of a certificate of occupancy for all dwellings in accordance with the approved Street Tree Plan and all park strip landscaping irrigation and maintenance is the responsibility of adjacent property owner.

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

Commissioner Pavlakis requested that when Rocky Mountain Power provides the additional verbiage, that it be provided to the Planning Commission.

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**4. City Council Report.**

There was no discussion on this agenda item.

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

Commissioner Brockbank stated that he recalled asking staff to look into increasing the amount of parking spaces in high density areas. He wanted to review the ordinance and see what the City's options are. Chair Peterson asked staff to provide a copy of the ordinance for the next Planning Commission Meeting. Chair Peterson noted that the City is locked in with the Development Agreement at Independence, but for other parts of the City this issue can be discussed. In response to Mr. Crowell's question regarding the specific types of areas, Chair Peterson stated that residential was the area of concern.

Commissioner Luker asked if it would be possible to look at the existing parking in Independence along with snow removal. This is a topic that he has visited with Mr. Crowell and the City Council on. Mr. Crowell noted that the City Council was the right forum for Commissioner Luker to discuss the issue, and they have not moved forward with anything new.

In response to Commissioner Pavlakis' question regarding whether the City has leeway in the Development Agreement to look at parking in future plats in Independence, Mr. Crowell stated that the process depends on whether the parking meets the requirements. In Commissioner Luker's situation, Mr. Crowell observed that it was probably the one that was the hardest to anticipate because they are detached single-family homes, which never require site plan review. However, the homes all met the City Code because they have two off-street parking spaces and a two-car garage.

With regard to townhomes, it had been good for the Planning Commission to understand how visitor parking works. In the cases of the townhomes, the developers have gone beyond the minimum requirement for the zone. In plats with single-family homes, there are no requirements for additional parking or site plan review, which makes it a difficult situation.

Mr. Crowell discussed the cluster and stated that if there is a new development where the developer proposes this type of development, the requirement can include placing spaces at the end of the driveways. Mr. Crowell did not believe the City Council would be receptive to modifying the snow ordinance at this time.

Mr. Crowell added that staff has been getting questions about on-street parking around the apartments. The City Engineer and representatives of the Police Department visit projects to look at where to stripe, which will increase because of safety issues. Commissioner Pavlakis emphasized that efforts need to be made to prevent problems.

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Mr. Crowell next referenced the development of the property discussed during the Joint Work Session. He added that although townhomes don't appear to be part of the development plan, the City has opportunities to address potential concerns. The Planning Commission can look at the current parking requirements to determine if they are adequate for visitors in multi-family family projects.

Commissioner Brockbank reiterated that he understands that the City has an agreement with Independence that needs to be followed, but he stated that the City can still adjust the width of the roads if there is going to be on-street parking. Mr. Crowell said that if that were to happen, it would be necessary for the City to renegotiate with the developer on the Development Agreement.

Chair Peterson expressed appreciation for the Joint Planning Meeting where the developer came in early on a project to get a feel of the perspectives of the Planning Commission and City Council before going too far in the development process. Mr. Crowell observed that staff does fend off a lot of ideas at the counter that might not be suitable. However, staff doesn't always know the preference of the group, so it is helpful for staff to understand that. Often developers want to approach the Council directly, but in the case of the developer at tonight's meeting, Mr. Crowell conferred with the Mayor, who said that the project has such a major impact on the City that it would be desirable to get the Planning Commission and City Council together to have the discussion. Mr. Crowell stated that if any members of the Planning Commission have questions about how the process is progressing, he would be happy to visit with them. Chair Peterson stated that it was good that a neighboring property owner also attended the Joint Planning Session to provide his perspective.

Mr. Crowell reported that he has had many visits with UDOT to discuss road and intersection issues. With regard to Porter Rockwell Boulevard, Mr. Crowell stated that it is in sections. Section 3, which goes through Independence, is in design right now with the intent being to build it this year. Section 4 is Geneva. Section 5 is on the west side from Camp Williams Road down across the frontage of McDougal's property on both sides where there could be a commercial corner. That one has been advanced, so waiting until 2019 or 2020, UDOT has bumped it up, so ultimately it will result in one to two years in advance because of all the required paperwork. The intersection at McDougal's property might be a catalyst for some of the development to occur that was discussed during the Joint Work Session.

Mr. Crowell stated that there is a standing offer from Staker to look at the property. If there are more than two people, he would need to post a public notice. Commissioner Pavlakis was interested in seeing the property again after what she learned during the Joint Work Session. Discussion ensued on arranging for a tour of the property.

In response to Commissioner Pavlakis' question on what Gary McDougal plans to do with his property on the west side, Mr. Crowell stated that he is looking at apartments. Mr. Reid noted that he is getting a lot of pushback from Herriman City because they want to do commercial instead of apartments. Mr. Reid stated that Herriman City approved 300 units, but they are trying to take that back and develop the property as commercial. Mr. Crowell noted that a unique situation exists

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**6. Adjournment.**

The Planning Commission Meeting adjourned at 10:06 p.m.

  
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Gai Herbert  
Community Development Secretary

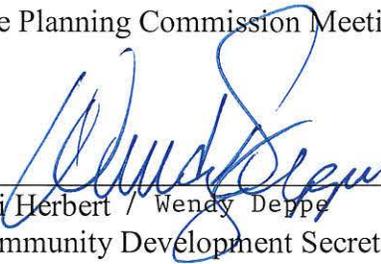
Approved: March 2, 2016 \*\*\*Planning Commission Approval\*\*\*

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**6. Adjournment.**

The Planning Commission Meeting adjourned at 7:06 p.m.

  
\_\_\_\_\_  
Gai Herbert / Wendy Deppe  
Community Development Secretary / City Recorder



Approved by the City Council: March 23, 2016