



**BLUFFDALE CITY PLANNING COMMISSION  
MEETING AGENDA**

**July 20, 2016**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, July 20, 2016**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

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

1. Invocation and Pledge.\*
2. Public comment (for non-public hearing items).
3. Approval of minutes from July 6, 2016 meeting of the Planning Commission.
4. **CONSIDERATION AND VOTE** on a Conditional Use Application for an Accessory Dwelling Unit located at 15184 South Skyfall Drive, Handcrafted Homes LLC and Laura Lewis, applicants.
5. **PUBLIC HEARING, CONSIDERATION AND VOTE**, on proposed amendments to the Bluffdale City Land Use Ordinances chapter and map designation, SD-R Independence Park, and to approve the associated Project Plan, located at approximately 14880 South Noell Nelson Drive; TBP 147, LLC, applicant.
6. City Council Report.
7. Planning Commission Business (planning session for upcoming items, follow up, etc.).
8. Adjournment.

**Dated: July 14, 2016**

Grant Crowell, AICP  
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.\*Contact Gai Herbert if you desire to give the Invocation.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, July 20, 2016**

**Present:**

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

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

**Excused:** Jennifer Robison, Senior Planner

**BUSINESS MEETING**

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

**1. Invocation and Pledge.**

Nick Berry offered the invocation. The Pledge of Allegiance was recited.

**2. Public Comment.**

There were no public comments.

**3. Approval of Minutes from the July 6, 2016, Meeting of the Planning Commission.**

**Brad Peterson moved to approve the minutes from the July 6, 2016, Planning Commission Meeting, as printed. Nick Berry seconded the motion. Vote on the motion: Nick Berry-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote. The motion passed unanimously.**

**4. CONSIDERATION AND VOTE on a Conditional Use Application for an Accessory Dwelling Unit Located at Approximately 15184 South Skyfall Drive, Handcrafted Homes, LLC, and Laura Lewis, Applicants.**

Chair Peterson noted that the above matter was discussed at the July 6, 2016, Planning Commission Meeting. The item was continued because requirement number 8 of Section 11-20-5 of the City Code stipulates that the conditional use is non-transferable. It implied that if the builder was the sole applicant listed for the Conditional Use Permit, the homeowners would have to submit a separate application for the conditional use. Senior Planner, Jennifer Robison, stated that at the meeting she would confer with City Attorney, Vaughn Pickell, to get clarification on the technicalities of the issue since the homebuilder made the application on the homeowners' behalf in

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, July 20, 2016**

his capacity as their agent. City Planner/Economic Development Director, Grant Crowell, confirmed that the City Attorney was consulted and recommended approval. The homeowner, Laura Lewis, has also been attached to the Conditional Use Permit application.

**Kory Luker moved to approve Conditional Use Application #2016-21 subject to the following:**

**Conditions:**

- 1. That all requirements of the City Code are met and adhered to for this conditional use application.**
- 2. That a notice of approval is recorded against the property as required by the City Code.**

**Findings:**

- 1. That the application is an Administrative action by the Planning Commission as the authorized Land Use Authority.**
- 2. That this application meets the requirements for an accessory dwelling unit conditional use approval as found in the City and State Code.**
- 3. That the proposed conditional use 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: Nick Berry-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote. The motion passed unanimously.**

- 5. PUBLIC HEARING, CONSIDERATION, AND VOTE on Proposed Amendments to the Bluffdale City Land Use Ordinances Chapter and Map Designation, SD-R Independence Park, and to Approve the Associated Project Plan, Located at Approximately 14880 South Noell Nelson Drive, TBP 147, LLC, Applicant.**

Mr. Crowell presented the staff report and stated that on May 11, 2016, the City Council adopted an entirely new zoning category called Special Districts (SD). The new zoning category is a very flexible land use type that can be applied to any qualifying property within the City of Bluffdale. The applicant met with the City Council on May 25, 2016, during their regularly scheduled Planning Session to discuss the concept plan proposal for Independence Village, as required by the Special Districts processing requirements.

The subject property, which has been discussed in previous Planning Commission Meetings, is located on the east side of the community. Mr. Crowell reviewed the various properties that surround the subject property. The current land use designated for the subject property is Mixed

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

Use. The proposed development calls for 181 single-family lots that will range in size from 3,600 to 4,500 square feet. It will have public streets but a private park that will be maintained by the HOA. Also included is a possible fire station site that would be dedicated to the City.

Mr. Crowell reported that the meeting packet includes the proposed zoning ordinance with all of the accompanying rules that go with the design. He stated that the proposed development is similar to Westgate and other developments that have been constructed on the east side of the City. Mr. Crowell noted that the gas line that runs throughout the property is where a trail has been incorporated that will potentially connect to the trail at Independence.

The proposed density is approximately five units per acre, which is similar to the density of the residential projects to the west and the south of the subject property. The smaller lots mean that the setbacks will also be reduced. There will be a private Architectural Review Committee assigned to the subdivision.

In response to Commissioner Brockbank's question as to why the trail ends at the road instead of going to the canal, particularly since the gas line continues beyond the end of the designated trail, Mr. Crowell stated that it is an issue of obtaining permission to use the canal to connect trails. He deferred the more detailed explanation to the applicant.

In response to Commissioner Loumis' question regarding the park, Mr. Crowell stated that the applicant's intention is for it to be a private park. The specific amenities have not yet been discussed because they will be determined by the HOA.

In response to Commissioner Pavlakis' question regarding whether the gas line is partly why staff believes the subject property merits designation as an SD zone, Mr. Crowell stated that it is a policy decision that needs to be determined by the Planning Commission and the City Council. Discussion ensued on how utility easements affect property line decisions. It was noted that the utility easement throughout the property is 30 feet. Mr. Crowell clarified that the City Council, not staff, informed the applicant that the subject property has the potential to meet the criteria for designation as a Special Districts zone.

In response to Commissioner Berry's question regarding the current zoning of the subject property, Mr. Crowell stated that it is currently zoned Heavy Commercial (HC). Chair Peterson observed that the General Plan identifies the subject property as Mixed Use. Chair Peterson then addressed the issue of determining how a piece of property qualifies for designation in an SD zone since the SD Ordinance specifies that there is no other zone available that more appropriately meets the proposed land use. Commissioner Pavlakis added that the City still has the ability to determine whether the property qualifies for an SD designation. Mr. Crowell commented that it is a policy decision and thus is a legislative decision. Therefore, it is important that thorough discussion take place before a decision is made by the City Council. He reviewed the criteria that must be considered in making the determination.

Discussion ensued on the process by which the City Council adopted the SD zone as a new planning tool. Chair Peterson noted that during the original discussions about the creation of SD Districts, he

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

was opposed to the proposal because with this particular parcel there were other zoning designations that could be applied. Subsequently, Chair Peterson reconsidered his thinking on the matter in the sense that the way the proposal under consideration has come together, neither the R-1-43 zone nor the R-1-10 zone is the best possible option for the subject parcel. Therefore, the SD zone may be applicable to the property. Chair Peterson added that it is very difficult to determine what "more appropriately" means, as used in item number 3 of Section 11-11H-2 of the City Code. Commissioner Pavlakis noted that the vagueness of the statement was why she wanted the Planning Commission to meet with the City Council and get clarity on the required qualifications for designating a parcel as an SD zone.

Commissioner Loumis believed the City was lacking options for residential housing because the residential zoning options only provide for either one-quarter or one-acre lots. He added that a more flexible option could be applied to the subject property. Commissioner Pavlakis opined that the R-1-10 zone could feasibly be applied to the subject property. The subject property is 34.6 acres, so one-quarter acre lots would allow for about 120 lots, once the streets are accounted for. The proposal calls for 181 lots.

One of Commissioner Pavlakis' concerns with the proposal had to do with public safety. The surrounding area already has high density residential development and the Police Department is already understaffed. More high density housing will make the situation worse. Commissioner Pavlakis desired input from the Police Department.

Commissioner Pavlakis stated that her other issue pertained to the fire station. She viewed it as the "dangling carrot" which, she believes, is a questionable inducement to get the City to approve the applicant's proposal. With a fire station in that location, she also believed a fire station would be needed further to the south to allow for a quicker response time throughout the City. She questioned whether the "free land" being offered by the applicant will really be "free" if another fire station is ultimately needed in a more desirable location.

Commissioner Loumis stated that strategically speaking, more fire stations could be better in the long run when the City is fully developed. In response to Chair Peterson's question as to whether the Fire Chief has participated in the discussions regarding the proposed location for a new fire station, Mr. Crowell stated that he has participated in many discussions. Mr. Crowell added that there have been multiple discussions regarding fire station sites on the east side of the community. It was stressed that it is a certainty that the City needs a fire station now. A great deal of discussion has taken place regarding potential locations for fire stations. Mr. Crowell stated that the Fire Chief has seen the proposed fire station location and believes the site is adequate, however, some design work needs to be done first. There is currently not a fire station on the east side of the City, so the land dedication provides an opportunity to place a fire station on the east side of Bluffdale.

Chair Peterson asked if there has been discussion regarding police protection, particularly, the number of officers per the number of citizens. Mr. Crowell did not have those statistics available but stated that they are reviewed by the City Council during the annual budgeting process. City Manager, Mark Reid, meets with the Police Chief every week, but it is a City Council decision to determine staffing levels for each department. The Police Department typically does not give input

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

on subdivision reviews. Commissioner Loumis noted that the City is growing and the staffing of police officers will come gradually with the growth. Mr. Crowell added that the City Council continually looks at the needs of the Police Department to provide the required equipment and personnel.

In response to Commissioner Brockbank's question regarding ownership of the property that will be dedicated to the fire station, Mr. Crowell explained that the developer will transfer the deed if the City wants to use it. If the City opts not to use the property, it could be converted into residential lots. The City Council expressed interest in the lot. In response to Commissioner Pavlakis' question regarding the compensation that would be paid to the developer for the fire station lot, Mr. Crowell stated that it is a negotiation between the City Council and the developer.

Commissioner Brockbank next noted that the land used for roads does not count toward the density calculations. Therefore, he stated that the proposal would grant the applicants more than what is allowed in other zones. He asked who is doing the math to determine the actual density. Mr. Crowell stated that 181 divided by 35 is just over 5. Commissioner Brockbank countered by stating that after subtracting the roads, the park, the fire station parcel, and the canal, there are only 30 acres, which translates into 6 or 7 units per acre. Commissioner Brockbank wanted to make sure that the density figures are correct.

Mr. Crowell stated that the calculation could be based on gross or net acreage. However, he noted that it is a Special District that will have its own set of rules. The SD-R proposal under consideration seeks to have lots that will be either 40 feet by 90 feet or 50 feet by 90 feet, with the proposed layout presented in the staff report. It is up to the City to determine whether the request and its accompanying SD-R Ordinance are acceptable. Chair Peterson interjected that the applicant indicated in the statistical summary that the gross density is 5.23 units per acre and the net density is 6.35 units per acre.

Mr. Crowell stated that the SD is a tool for providing a new development approach that developers can propose to the City. Mr. Crowell stated that another approach to evaluating the proposal under consideration is to determine whether it is compatible with the development pattern taking place within the nearby community.

Chair Peterson opened the public hearing.

The applicant, Steve McCutchan a Sandy resident, stated that in order to determine whether the subject property deserves the SD-R zoning designation, the City needs to determine whether the surrounding R-1-10 and R-1-43 zones are the best uses for the property. If the subject property is going to enjoy the same types of densities that exist in Independence, he believes the SD-R zone makes sense. Mr. McCutchan stated that he and his associates originally looked at the Mixed Use option, but the problem with that zone was the requirement to provide 22% of open space meant that the property would have to be developed with townhomes. Neither the developer nor the City wants to see the property developed with townhomes, so the SD-R zone at the proposed density was considered by many people to be the logical way to go.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

Mr. McCutchan next addressed the question of the fire station and stated that the City approached the developers and said that a fire station is needed on the east side of Bluffdale. The City then asked if the developers would be interested in helping the City make that happen. The developers responded in the affirmative and then started to look at how that request could be brought to fruition. The difference between 1.15 acres and 1.28 acres for the fire station lot is that up until about a week ago, the site was 1.15 acres. The City approached the developers and indicated that the City wanted the lot to be slightly larger because the facility would require 40 parking spaces on the site. By making that change, the impact to the configuration for the lots made the project less profitable. As a result, the developers sought to determine whether something could be negotiated with the City to compensate for the lost revenue potential that would result from making the fire station lot bigger. In the end, the City will get about 98% of the proposed fire station lot for free if they opt to use it for a fire station.

In response to Commissioner Berry's question regarding who from the City approached Mr. McCutchan regarding the need for a fire station lot, Mr. McCutchan stated that it was Mark Reid. He added that the previous week he met with Mr. Reid, City Treasurer- Bruce Kartchner, Mr. Crowell, and the Fire Chief to discuss the wishes of the City and the developer with regard to the fire station.

Mr. McCutchan next discussed what he referred to as the "effective net," which refers to the land that can be built on after roads, canal, parks, etc. are taken out. In Independence, the average density is 7.12 units per acre. However, the effective net density of the property is about 11 units per acre after eliminating 22% for parks and about 30% for streets. Eleven units per acre is a townhome density. On his projects, he has tried to balance out townhome properties and single-family lots. Discussion ensued on how streets impact actual or net density. In light of that information, Commissioner Pavlakis asked what the effective net would be on the subject property. Mr. McCutchan stated that effective net density will be 8.2 units per acre. He added that Independence has its own density standards and methods of density calculations. The proposed SD-R zone would have its own set of density rules independent of what is currently in place in the City Code because the proposed SD-R zone would constitute a new legislative addition to the City Code.

Commissioner Pavlakis did not want to see densities similar to those in Independence. Dave Tolman noted that the proposed project is two units per acre less than what is at Independence. Mr. McCutchan added that since the subject property is enveloped by Independence, the SD-R zone makes sense because it will have a lower effective net density than what is at Independence. It is a decision that needs to be made by the Planning Commission and City Council.

Dave Tolman, a Bountiful resident, identified himself as one of the applicants. He first addressed the issue of effective net density and stated that the general practice for calculating density is to determine the number of lots that are permitted per acre. That number also includes the space on the lot used for streets. If, for example, the zoning allows five units per acre, that single acre would have five units, including the streets needed for that acre. Across the street from the subject property is Westgate, which has a density of nine units per acre. Chair Peterson referenced the 548 acres that comprise the Independence project and stated that if there were 548 lots, that would translate to one unit per acre. That ratio would include the roads, trails, parks, etc. He explained

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

that when he looks at the subject property, which is 34.58 acres of land, he wants to know how big the total parcel is. If there are 181 lots, regardless of the space occupied by roads and fire station, etc., determining the number of lots per acre is easy to calculate.

The document in the meeting packet did not seem to equal 34.58 acres. Mr. Tolman stated that taking the 181 home lots and dividing that number by 34.58 will equal the density of 5.23 units per acre. He explained that that is the typical way of determining density unless the zoning clarifies that the density has to be a net number. Commissioner Pavlakis indicated that the acreage occupied by the roads is not included in the density calculation. Mr. Tolman reiterated that effective net is not the typical way of calculating density. Commissioner Pavlakis countered by stating that it can be because this is a Special District and density can be calculated however the City wishes. Mr. Tolman stated that the surrounding DAI properties are 7.1554 units per acre. Commissioner Pavlakis stated that that figure does not matter. Mr. Tolman countered by stating that it does matter because the reasonable density that would be expected for the subject property is impacted by the surrounding area.

He added that the subject property is designated as Mixed Use in the General Plan; however, when the MU zone is applied to the property, it doesn't work because it gives something that the developers did not want, which is townhomes. Instead, the developers want to put in single-family lots with a density of around five units per acre, not 7.1554. The only way to accomplish that is to create the Special District because Bluffdale City does not have a zone that works.

Mr. Tolman next indicated that the original plan called for 104 of the larger lots and 77 of the smaller lots. However, when the City Manager and City Attorney approached Mr. Tolman and his associates to see if they would be interested in proposing a Special District, they opted to give it a try because it seemed like something that would work. Consequently, they made presentations to the City Council on the other plan, but it had to be reworked because of the additional land needed for the fire station. That alteration significantly changed the number of larger lots to the smaller lots.

Commissioner Brockbank referenced Table 1, which indicates that there are 99 40-foot lots and 83 50-foot lots. That equals 182 lots. Mr. Tolman indicated that the table was in error. Commissioner Brockbank stated that since this is the first Special District, the City needs to establish what is and is not included in the lots. Commissioner Brockbank added that the size of the non-buildable area specified in the table is also wrong because it was done prior to the fire station. Mr. Tolman assured the Commissioners that the plan is correct and the tables will be updated to accurately reflect the plan. Commissioner Brockbank added that the Planning Commission needs to make sure the figures are correct so that they can make an intelligent decision. Mr. Tolman confirmed that the plat calls for 181 lots consisting of 99 smaller lots and 82 larger lots. Mr. Tolman reiterated that the gross density is the number of lots divided by the overall size of the subject property.

Mr. Tolman concluded his presentation by stating that when the City Council passed the SD Zone ordinance, the Mayor stated that the City should do so on a trial basis so that they can begin to establish criteria to see what does and does not work.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

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

Commissioner Brockbank stated that the City Council has not given any special direction on what the size of the lots should be and wondered whether it is up to the Planning Commission to state their preference so that the City Council has direction. He clarified that density could potentially be determined by removing the unbuildable areas, such as the fire station and park etc., and calculating the density off of the buildable area. He believed that would provide a true density.

Commissioner Pavlakis agreed with Commissioner Brockbank and added that these issues are why she thought there should be a joint Planning Commission/City Council Meeting in order to establish basic parameters, such as net density versus gross density. She reiterated her opinion that the subject property does not qualify for a Special District designation because she does not think it poses clearly unique limitations for development. She added that she believes the SD zone is so broad that it puts the City at a disadvantage. She also has a different perspective with regard to the fire station.

Commissioner Pavlakis believed that either the MU, R-1-10, or R-1-43 zones would fit the subject property. She also did not believe the surrounding properties have a significant bearing on what happens on the property. Chair Peterson countered by stating that it would not be feasible to reduce the density significantly on the subject property when it is surrounded by very high density projects. Commissioner Pavlakis agreed that the R-1-43 zone would not be a good idea for the subject area but believed the R-1-10 zone would work. She commented that a parcel should not qualify for a Special District unless it has topographical issues. She noted that the subject property is flat. Chair Peterson stated that the Planning Commission did not make the law. Commissioner Pavlakis did not believe the subject property qualifies for a Special District zoning designation.

Commissioner Loumis stated that, in his opinion, real property is real property. If the City wants to start cutting property up because they believe it does not belong to anyone, that would be a taking. He further stated that he believes the subject property qualifies, but boundaries need to be set. He believed a motion should be made that the Commissioners can vote on. Commissioner Pavlakis felt that the roads and fire station should not be included in the density calculation. Commissioner Loumis disagreed because the property belongs to someone. He added that the applicants are asking for something and the Planning Commission needs to either approve or deny their request.

Commissioner Brockbank stated that at some point the City Council gave the applicants the indication to keep going with their proposal. That, however, does not mean they get 6 or 7 units per acre. That is something the Planning Commission needs to determine. He did not believe it was up to the Planning Commission to second guess whether the City Council will determine that it is a Special District. Commissioner Pavlakis noted that the Special District zone was created so that the City would have the discretion to determine whether a parcel qualifies as a Special District. In addition, it is within the purview of the Planning Commission to state whether they believe a parcel qualifies for an SD designation. Commissioner Brockbank clarified that the Planning Commission will make a recommendation and the City Council will make the final decision.

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

In response to Commissioner Berry's question about how much the Planning Commission could change the proposed document, Mr. Crowell explained that the project plan has a concept plan associated with it and the plats should conform to the concept plan. A lot of pre-engineering work has already taken place, which will be important for the plat design. Chair Peterson observed that the model motion doesn't address approval of the plat or map. Instead, it is just simply an SD ordinance. Mr. Crowell stated that the action item, which involves the adoption of the ordinance, encompasses the zoning map, the zoning text, and the project plan. In light of that information, Commissioner Pavlakis stated that the document in the meeting packet contains several inaccuracies. She questioned how they could be corrected. Mr. Crowell stated that if the Planning Commission accepts the concept and the exhibit, the applicants can make the modifications to the table to reconcile the numbers. Discussion then ensued on the inaccuracies that exist on the table.

Commissioner Brockbank appreciated the fact that the developers want to develop single-family homes on individual lots rather than condominiums. Chair Peterson concurred with Commissioner Brockbank's observation.

Commissioner Berry asked if the subject parcel is practical and reasonable with the lots around it. He then asked whether the City needs to accept the parameters since it will be a reference point for SD proposals going forward. Chair Peterson did not necessarily agree with Commissioner Berry's observation since the SD will be applied in many different ways, depending on where a particular property is located. The SD designation could be applied to the west side of Bluffdale, if necessary, because it is an available tool. Whatever the City does with the property under consideration will not necessarily set a precedent for future proposals.

Mr. Crowell next reviewed the figures in the table. He confirmed that there are 82 larger lots instead of 83. The changes to the site drawing were modified shortly after the City asked for a larger lot for the fire station, however, the figures were not updated in as timely a fashion. Mr. Crowell next reiterated the various features of the subject property and stated that the Planning Commission needs to determine whether the property qualifies for an SD-R zoning designation and forward its recommendation to the City Council. It was noted that more engineering will be needed on the project. The drawing accurately displays what the City can expect to occur if the SD-R zoning ordinance is approved.

In response to Commissioner Berry's question as to whether the landowners receive tax benefits for donating land to the City for the fire station, Mr. Crowell first noted that he is not a tax accountant. He then stated that it was his understanding that the owners are donating the land to the City, except for the additional portion the City requested for additional parking.

Commissioner Luker felt that the proposal fits very well within the area it is being placed. He added that he likes the location for the fire station.

Commissioner Brockbank asked what would become of the property that will be donated to the City if it is not used for a fire station. He suggested that some sort of verbiage be included to address that possibility. He added that one of the motivations for the City to approve the proposal is the donation of the land for a fire station. If the City does not use it, he asked if the landowners would

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

be entitled to get the land back. Mr. Tolman stated that the land is being dedicated to the City. After that, it is up to the City to determine how it is used. Since the land will belong to the City, the City would have to determine how to zone it. At that time, Mr. Tolman and his associates will be able to voice their opinions as to whether the City's proposed use of the property is compatible with the surrounding subdivision.

In response to Chair Peterson's question as to whether a fire station would be allowed in the SD zone, Mr. Crowell stated that it is included in the permitted use table.

**Johnny Loumis, Jr., moved to forward a positive recommendation to the City Council on the proposed text amendment creating a new Special District Ordinance – SD-R Independence Village Chapter in the Bluffdale City Land Use Ordinance, Application 2016-11, based on the findings discussed by the Planning Commission. The motion was not seconded.**

Before the motion was seconded, discussion ensued on the need to identify specific findings on which to base the motion. After some discussion on whether to withdraw the motion, Commissioner Loumis decided to leave the motion as-is and invited others to craft the findings. Mr. Crowell stated that the findings could be as simple as indicating that it is compatible with the General Plan. As a policy decision, it is a legislative matter that creates a new law. As a result, the Planning Commission has to state the reasoning behind its recommendation to the City Council.

Commissioner Brockbank believed the City Council had given the applicants reason to believe that the property would qualify for the SD-R zoning designation and he believes that the applicants have moved forward in good faith on the basis of the feedback they received from the City Council.

Commissioner Berry was of the opinion that the subject property qualifies because the platting configuration fits with the surrounding properties. Chair Peterson felt that the real question that needs to be answered is whether "no other zoning classifications exist that more appropriately suit the proposed development of the property." Chair Peterson stated that the determination is strictly an opinion. On the basis of that sentence alone, Chair Peterson stated that there is nothing about the property that makes it qualify for the SD zone designation.

Commissioner Loumis disagreed. Chair Peterson also disagreed because he believes that sentence qualifies it because it can be interpreted however the Planning Commissioners choose. He added that there is no other zoning that is suited for the proposal under consideration. The crux of the matter is the phrase "more appropriately suits." The Planning Commission asked the City Council to strike that phrase, but they chose to keep it. Thus, Chair Peterson stated that the finding could be based on that particular criterion. Commissioner Pavlakis stated that the finding(s) must be based on the legislative criteria provided in Section 11-11H-2 of the City Code.

Commissioner Brockbank believed that the City Council and staff have given the applicants the understanding that the property will qualify for the SD zoning designation. He felt that the City Council will pass the proposal because of the uniqueness of the property with the power line running through it and the fire station. However, he believed that the density requirements need to be clearly stated.

**BLUFFDALE CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, July 20, 2016**

Commissioner Berry felt that the property qualifies because there is not a zone that more appropriately suits the development of the property.

Commissioner Luker had no findings to suggest other than that he is in favor of the proposal. He believes it qualifies because it is the zone that most appropriately fits the property based on its location and relation to the surrounding developments. Commissioner Luker added that his vote will be based on the findings are included in the motion.

Chair Peterson stated that the more specific the findings, the more problematic the proposal becomes. Commissioner Brockbank reiterated his concern with density. Chair Peterson noted that the density requirement is included in the SD-R zone proposal and is applicable only to the subject property. Any other SD zone that is proposed in the future will have its own density requirements.

**Johnny Loumis, Jr., moved to forward a positive recommendation to the City Council for the proposed text amendment creating a new Special District Ordinance – SD-R Independence Village Chapter in the Bluffdale City Land Use Ordinance, Application 2016-11, based on the following:**

**Finding:**

- 1. That no zone classification exists that more appropriately suits the proposed development of the property.**

**Kory Luker seconded the motion. Vote on the motion: Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Nick Berry-Aye; Connie Pavlakis-Nay; Brad Peterson-Nay. Alternate Planning Commission Member, Von Brockbank, did not participate in the vote. The motion passed 3-to-2.**

When Commissioner Berry sought to clarify Commissioner Loumis' earlier statement that he could potentially cast a negative vote on a motion he had made. Commissioner Loumis stated that he left his vote open because he might not have liked the findings attached to his motion, in which case he could have voted against it. Chair Peterson added that regardless of the Planning Commission's recommendation, the City Council will have the ultimate authority to approve or deny the proposal. Discussion ensued on the process by which the SD ordinance was written by the applicants in consultation with the City Council and staff.

**6. City Council Report.**

Mr. Crowell reported that he was not in attendance at the last City Council Meeting.

In response to Commissioner Loumis' question about the current status of the Woodbury property, Mr. Crowell stated that he is hopeful that they will start in 2016. Mr. Crowell added that a lot of interest has been shown in terms of leasing within the project; however, he had not yet received any

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, July 20, 2016**

building permit applications, other than from Smith's. The process for the Smith's property is moving forward; however, no groundbreaking date had been set.

In response to Commissioner Loumis' question regarding anything the Planning Commission can pass on to the citizens regarding secondary water, Mr. Crowell stated that they should be referred either to the Bluffdale website or to Public Works Manager, Blain Dietrich. Multiple discussions ensued on how secondary water is provided to the citizens in the Valley.

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

In response to Commissioner Brockbank's question regarding whether City Planners should be given direction on confirming the accuracy of the figures for an SD zone, multiple opinions were expressed.

9. **Adjournment.**

The Planning Commission Meeting adjourned at 8:56 p.m.



\_\_\_\_\_  
Gai Herbert  
Community Development Secretary

Approved: August 17, 2016 \_\_\_\_\_