



**BLUFFDALE CITY PLANNING COMMISSION
MEETING AGENDA**

August 17, 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 20, 2016 meeting of the Planning Commission.
4. **CONSIDERATION AND VOTE** on an amendment to the Project Plan for the Bland Property/Rockwell neighborhood within the Aclaime at Independence development agreement area, aka Rockwell Ridge Business Park. Simple Products Corporation, Applicant.
5. City Council Report.
6. Planning Commission Business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: August 11, 2016

Grant Crowell, AICP
City Planner/Economic Development Director

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

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Present:

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

Others: Grant Crowell, City Planner/Economic Development Director
Gai Herbert, Community Development Assistant
Alan Jackson, City Council Member

Excused: Von Brockbank
Jennifer Robison, Senior Planner

BUSINESS MEETING

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

1. Invocation and Pledge.

A member of the audience offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

Adam Haymond gave his address as 15204 South Skyfall Drive and commented on a recent fire across from his home in Bluffdale Heights. The incident caused him great concern. The property was re-zoned Heavy Commercial last year and asked what citizens can do to encourage DAI to mow their weeds and alleviate future fire hazards. Chair Peterson stated that the City has an ordinance in place that requires landowners to control their weeds. Chair Peterson asked City Planner/Economic Development Director, Grant Crowell, to make note of the concern and convey it to the City's Code Enforcement Officer.

Mr. Haymond's next concern pertained to the zone change to be discussed tonight. As a public hearing was not planned for tonight's meeting, he asked if the City Council would consider taking public comment. Mr. Crowell explained that the applicants are requesting an amendment to an exhibit to a Development Agreement contract. The City Council is not required to hold a public hearing. It was clarified that a zone change is not being requested. Chair Peterson clarified that there will not be a public hearing or notice provided on the matter. In response to a question regarding the protocol followed by the Mayor in these types of situations, Mr. Crowell stated that the City Council will likely allow public comment.

Karen Bohorquez, a Cutlass Court resident, stated that she lives near a very large weed patch where the weeds are neck high. She also had concerns about fire hazards and indicated that there are conflicting viewpoints on whether the problem is the responsibility of the City or the HOA. When

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school starts, her child will have to walk through the weeds to get to school. Ms. Bohorquez also commented on the proposal being considered tonight. She indicated that she would prefer to see retail rather than light industrial developed. She stated that the neighborhood is growing and the residents want to be able to shop locally.

Peter Larkin gave his address as 15189 South Liberty Bell and added his voice to those who do not want light industrial in the area. Through social media he knows there are many others who likewise would rather see retail, or even housing.

In response to Mr. Larkin's question regarding the influence citizens can have on the decisions made by City leaders, Commissioner Pavlakis stated that all of the City Council Members' addresses are available at the City's website. She urged the citizens in attendance to provide input via email in addition to their attendance at meetings. Chair Peterson added that as he reviews the meeting packet, he formulates an opinion but does not make up his mind until he hears feedback from the public. There have been many occasions where he has changed his mind on the basis of public comment.

Derek Brown gave his address as 15109 South Peace Drive and stated that he has lived in Bluffdale most of his adult life. The residential area near the subject property represents the next generation of Bluffdale residents. He stated that the entire development will consist of approximately 2,500 homes and 10,000 people. He was opposed to industrial development because the population will continue to grow. Chair Peterson reported that Independence alone will triple the City's population. Mr. Brown preferred light commercial to light industrial to accommodate the needs of the 10,000 residents of Independence.

Eric Clayton gave his address as 611 Koins Way and stated that he will be directly affected by the proposed change. He originally heard that commercial was planned on the subject property, which he was enthusiastic about since it will increase the City's tax base.

Anthony Castro gave his address as 15189 Inverleith Cove and noted that he has only lived in Bluffdale for a short time. He stated that he lives in Bluffdale but goes elsewhere to shop. He hoped that the space available in Bluffdale will be used to provide services that benefit families. His conversations with other Bluffdale residents have borne out the same sentiments.

Hannah Jones gave her address as 15181 Sabre Place. She did not want to see light industrial and preferred commercial. She commented that commercial development will provide part-time job opportunities for area youth. She also felt that commercial development will enhance the value of the homes in her neighborhood.

Erik Swanson gave his address as 751 West Star Spangled Drive and stated that in his section of the City, there is a lot of unutilized and undeveloped industrial space. He preferred to see more commercial in the area because there is a demand for it and the area will continue to grow. He urged the Planning Commission to forward a negative recommendation to the City Council.

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Mr. Haymond returned to the podium and noted that there is pending development coming to Redwood Road and Bangerter Highway. Even though commercial development helps Bluffdale, it doesn't particularly benefit those who live in the area. People will go where it is most convenient and currently the most convenient shopping is in Riverton. With growth taking place Independence at the Point, he considers this to be an opportune time to increase the footprint of commercial space to provide competition to surrounding cities.

Brent Wolsey gave his address as 15131 South Honor Drive and echoed the previous comments. He stated that all of the neighbors with whom he has spoken oppose the proposal because they feel there is a need for commercial, such as restaurants. More light industrial does not improve the lives of citizens in the area.

Brittney Larkin gave her address as 15189 Liberty Bell Drive and stated that she has a different concern than what has been expressed thus far. She loves the small-town feel of Bluffdale and doesn't want to see more traffic come to the area.

Shannon Lucas gave his address as 15187 South Inverleith Cove and concurred with the sentiments expressed. He hoped there were alternate paths to the proposed light industrial. He commented that he could not see any residents deriving personal benefit from light industrial in the area near the subject property. He believed that for the sake of property values, it is better not to have light industrial and large warehouses.

Derek Brown gave his address as 15109 Peace Drive and asked where Porter Rockwell Boulevard will be located in relation to the plan. Chair Peterson explained that it is currently being worked on. Completion is expected in 2020. Mr. Crowell gave a brief update of the status of the different phases of Porter Rockwell Boulevard. He then noted that all points lead to a missing bridge, which will cost about \$40 million. Mr. Brown stated that when the bridge is complete, it will be a thoroughfare from I-15 to the west, which is ideal for commercial.

Karen Bohorquez asked about the timeline for the traffic light at the bridge on 14600 South. Mr. Crowell explained that 14600 South from I-15 to the Maverick is a state highway that is under the jurisdiction of UDOT, which makes it difficult for the City to take action. The traffic light, however, is moving forward on UDOT's timeline. The City Engineer will be able to provide the installation date, which is about one year out. Ms. Bohorquez stated that with more people moving to Bluffdale and with school starting, traffic on 14600 South will get worse.

It was Ms. Bohorquez' understanding that the parcel behind her home that is full of weeds will be converted into a park. Mr. Crowell was unsure of the timeline, but stated that conversations with DAI are underway to determine how the park impact fees will be used and in what sequence. He agreed to visit with representatives from DAI regarding the weed issue.

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

3. Approval of Minutes from the July 20, 2016, Meeting of the Planning Commission.

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Brad Peterson moved to approve the minutes of the July 20, 2016, meeting of the Planning Commission, as printed. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Nick Berry-Aye; Kory Luker-Aye; Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed unanimously.

4. CONSIDERATION AND VOTE on an Amendment to the Project Plan for the Bland Property/Rockwell Neighborhood Within the Aclaime at Independence Development Agreement Area, aka Rockwell Ridge Business Park, Simple Products Corporation, Applicant.

Mr. Crowell presented the staff report and gave a historical overview of the project and the subject property, which is part of the 500-acre Independence project. In 2007, the City Council began discussions on where the Mixed Use and Commercial properties will be located for the entire Independence project. It was anticipated that the northeast portion of the Bland/Rockwell Neighborhood will have some commercial activity. The current plan was approved in 2014 and included the planned location for Porter Rockwell Boulevard. The plan was executed through a development agreement, which was enabled by the Mixed Use or Commercial zoning in place for the area. As a result, the developers needed to implement the zoning through the development agreement and design guidelines for the project plan.

Mr. Crowell noted that currently the property to the west of the subject property is already designated and zoned Light Industrial. As a result, the developers will not require land use approval to carry out their plans. It was noted that the east side is anticipated to be commercial.

Mr. Crowell explained that a public hearing is not required because the zoning is not proposed to be changed. The Development Agreement specifies that if the developers propose a major plan amendment, they need a recommendation from the Planning Commission and approval by the City Council. Although a public hearing is not required, the Planning Commission and City Council have a history of being open to feedback from the public.

Mr. Crowell next referred to the text of the project plan, which was included in the meeting packet. The Land Use Table plan includes what is allowed on the property, including light industrial uses, which include warehousing. The packet also includes a conceptual site plan and design guidelines. A formal site plan review will need to occur as the project moves forward if the new uses are allowed. Mr. Crowell noted that retail enterprises are allowed if there is demand and interest.

Mr. Crowell explained that for the east side of the City, the City Council and the Redevelopment Agency adopted two economic development areas, which are intended to accommodate growth and generate employment in the area.

With regard to the subject property, Mr. Crowell explained that the light industrial space is usually designed with a campus-like setting and includes landscape features. As a point of reference, Mr. Crowell stated that there are similar areas near I-15 and Bangerter Highway. Mr. Crowell referenced the Land Use Table to illustrate the proposed potential uses for the subject property.

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In response to Commissioner Berry's request for clarification on the intent of the zoning to allow buildings of up to 60,000 square feet, Mr. Crowell indicated that the table currently specifies 50,000 square feet, so there will be a 10,000 square-foot allowance from what the Mixed Use Land Use Table allows for Light Industrial. Chair Peterson sought to clarify that everything on the Land Use Table, whether it is permitted or conditional, would be allowed under this zone. Mr. Crowell explained that everything in the table up to the beginning of "Light Industrial Uses" is already in place. The requested amendment is to allow the addition of the uses enumerated in "Light Industrial Uses."

Commissioner Loumis was annoyed by the proposal because the City has been clamoring for retail and are now proposing a change. Mr. Crowell stated that he has had numerous conversations with prospective retailers who are interested in sites with good visibility and traffic flow. For that reason, the area of Redwood Road and Bangerter Highway is a prime location for retail development.

Mr. Crowell explained that the Mixed Use zone has a list of allowed uses and the project plan for the development refers to the table and what is allowed in a particular location. The City Code defines all of the uses. The applicants added allowed uses under the heading of "Light Industrial Uses" on the land use table.

Scott Carlson was present on behalf of Simple Products Corporation. He explained that Simple Products was established in 2004 with their primary product being flashlights. The company currently has four warehouses throughout the Valley. Their desire is to consolidate the business into one location, which was the reason for the proposal. He stated that it is in the best interest of the company to pursue retail because the return on investment is greater with retail than with warehouse uses. Mr. Carlson acknowledged that the project needs retail but they also need a place to locate their warehouse.

Mr. Carlson commented that the subject property will be attractive Class A office warehouse space. He pointed out that Simple Products will located be the farthest east on the subject property. The proposed building will house the company's products. Mr. Carlson stated that he has worked with City Engineer, Michael Fazio, and UDOT to identify access points. Mr. Carlson indicated that his broker has visited with prospective businesses who want to locate on the site. He emphasized that his goal is to create a project the community can be proud of and that will be profitable for his company. Mr. Carlson next explained that he and his associates plan to complete the project in two phases. Phase One will consist of the first three buildings. Phase Two will consist of the fourth building.

In response to Chair Peterson's question regarding the sale of flashlights, Mr. Carlson stated that the flashlights are manufactured elsewhere and shipped to Simple Products for distribution. Customers can also purchase the flashlights at the business site. Chair Peterson noted that the subject property is prime commercial real estate, with a lot of exposure close to the freeway. He asked why Mr. Carlson stated that he would choose that location if his business was not a public destination. Chair Peterson added that there are less expensive properties if Simple Products is primarily a warehouse type of business. Mr. Carlson stated that first and foremost he likes the access to I-15.

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Secondly, he believes the property is a prime location for leasing to other businesses. He commented that his company wants to bring in quality tenants that will have staying power.

In response to Commissioner Loumis' question regarding the multiple levels of the buildings, Mr. Carlson stated that a second floor will not be built for a tenant unless a tenant requires it. Mr. Carlson explained that the buildings will have a lot of glass to improve their appearance. He also referenced a comment made earlier in the meeting regarding jobs and stated that at the very least the businesses will create jobs and improve Bluffdale's economy.

Chair Peterson commented that he has seen warehouse centers that fill up with uses other than retail, which the neighbors may not be happy with. He struggled with the fact that one cannot predict or guarantee the kind of businesses that will choose to locate on the subject property. Thus, Chair Peterson asked how Mr. Carlson answers questions from neighbors who prefer retail businesses nearby. Mr. Carlson stated that he will look for tenants with a presence, who are well known, and stable.

Chair Peterson noted that in order for Simple Products to locate on the subject property, a change to the Development Agreement is required to allow light industrial.

Jason Hagblom identified himself as a representative of Newmark Grubb ACRES. He specializes in commercial real estate and assisted in the writing of the Draft Project Plan Amendment for the Rockwell Ridge Business Park. Mr. Hagblom stated that his firm listed the property before Simple Products purchased it. The previous prospective buyer was a retail developer who planned to develop big box retail with small retail shops. After the company performed their due diligence, they determined that the market demand lacking and did not pursue the purchase. Additional attempts to attract retailers were unsuccessful, so Newmark Grubb ACRES determined that the project under consideration made sense because it brings in development immediately and is designed so that the buildings are shallower and will appeal to retail tenants, which will provide the property owners with a higher return on their investment.

Noting that Mr. Hagblom cannot disclose who or what businesses have expressed interest in the subject property, Chair Peterson asked how many businesses have expressed interest in the proposed development. Mr. Hagblom responded that he currently has three commitments to locate on the property if the project is approved. He noted that his firm is the national representative for all Ace Hardware franchises and the representative from Ace with whom he spoke is enthusiastic about the project. Chair Peterson added that a gas station would be a good addition to the area.

Mr. Carlson added that Simple Products is not a developer and has never done anything like this before. He noted that Simple Products is ready to begin work on the project immediately, if approved. Mr. Carlson acknowledged the public comments made and hoped that the vision his company has for the subject property is acceptable to the area residents.

In response to a question raised by Commissioner Pavlakis regarding noise and emissions from the business, Mr. Carlson stated that he has one forklift. Following up on Mr. Carlson's earlier comment about the subject property's access to I-15, Commissioner Pavlakis asked if the appeal is

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because there will be large numbers of semi-trucks coming and going. Mr. Carlson stated that there will be some. Commissioner Pavlakis noted that on the north side of 14600 South there is a business complex. She asked Mr. Carlson how his project differs from that. Mr. Carlson stated that the buildings are important because there is an access point from I-15 and Porter Rockwell Boulevard. The location is ideal for newer sandwich shops and CrossFit facilities, so the location and attractiveness of the buildings are key. Commissioner Pavlakis noted that the residents of the surrounding area may not be at the income level that would support the types of businesses Mr. Carlson envisions attracting to the development.

In response to Commissioner Berry's question regarding the hours of operation for Simple Products, Mr. Carlson stated that the office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. Trucks will make deliveries during those hours.

James Dunn gave his address as 14064 South Pheasant Hollow and stated that he has biases on both sides regarding the proposal under consideration. He stated that from 1998 to 2000 he served on the Bluffdale City Council and was part of the group that was largely responsible for the rezoning of the corner of Bangerter Highway and Redwood Road. At the time the change took place in 1999, there was strong public outcry. Now, 17 years later, there is still no retail or commercial on the corner. He received written death threats and his home was vandalized for supporting the rezoning, in spite of public resistance. Mr. Dunn stated that the character of Bluffdale has changed and what existed when he moved here 23 years ago no longer exists. The responsibility of the Planning Commission and the City Council is to weigh the competing interests of property owners against the interests of the residents. Mr. Dunn expressed concern with people focusing on the words "light industrial." He noted that light industrial includes pet stores and retail aquariums. In the City's Land Use Table, there are many commercial uses included in the Light Industrial zone that are not allowed in the Commercial zone.

Mr. Dunn supported the proposal because the City now has someone who is ready to develop. He disclosed that he drafted the amendment to the Development Agreement and submitted it to Mr. Crowell, who suggested changes. It is now awaiting approval from the City Attorney. The amendment will depend on the Planning Commission and City Council.

Mr. Dunn stated that most Bluffdale residents shop in Riverton. In fact, when he served on the City Council, the City's largest source of tax revenue was the Maverik. The amendments to the Development Agreement will allow businesses such as auto sales that will generate tax revenue for the City. The amendments allow for more than just light industrial or warehousing and do not include manufacturing. Chair Peterson noted that there are many appealing permitted uses included in the amendments, however, if the market will not support them, other less desirable businesses may locate there. Mr. Dunn stated that the developer's current plan is not to sell space but lease it to national chains that understand the viability of locating there.

Chair Peterson next asked Mr. Dunn about the viability of fast food establishments on the subject property. Mr. Dunn stated that they are currently allowed because the property is zoned Commercial. Chair Peterson was concerned about the viability of fast food establishments given the type of light industrial buildings that are proposed. Mr. Dunn stated that building permits will

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be issued after the amendments to the Development Agreement are approved. Proposals that come forward will have to be vetted through staff, the Planning Commission, and City Council before construction can take place. Mr. Dunn summarized that what is being requested is to amend the Development Agreement that has been in place for years and only minimally amended during that time. The current amendments only allow for some light industrial uses and market forces will control the businesses that seek to locate there.

Mr. Carlson reiterated that his company is not in the development business. Instead of trying to have the building serve as both a retail and warehouse facility, they are seeking to locate their business on the subject property. Mr. Crowell noted that although retail facilities, such as Smith's, have warehousing available, the primary use of the proposed building needs to be retail.

Commissioner Pavlakis asked Mr. Carlson if he had considered using a portion of the parcel for light industrial and keeping the remainder for commercial. Her question was based on her desire to explore options to ensure that retail is developed on the subject property and not just more industrial. Mr. Carlson wanted a win-win outcome for everyone. He explained that 14 of the acres that comprise the subject property come under one or two Tax Identification Numbers. The remaining acreage comprises five Tax Identification Numbers. He did not know how difficult it would be to separate the needed property for the Simple Products building. Commissioner Loumis stated that a surveyor could combine all of the parcels and Mr. Carlson could take one parcel out for the Simple Products building. Mr. Carlson stated that there is a transfer fee covenant on two acres. When his company purchases the property, Bluffdale City will have to pay 1% to the beneficiaries of the trusts in perpetuity. He and his associates are now in negotiation with the trustees of the beneficiaries to see how they can get that covenant removed. That was the reason there are so many Tax Identification Numbers associated with the subject property. Discussion ensued on how the issue of the transfer fee covenant could be handled.

Commissioner Pavlakis commented that the display prepared is not realistic. It is what hopes for and what the developer is trying to accomplish. Since there is no guarantee that the envisioned plan will occur, she focuses on the empty building. Commissioner Pavlakis noted that the purpose of the building is to help Simple Products cover their mortgage. If the ideal business is not developed within six months, the landowners have to find a user to locate there that may not be beneficial to the residents. Mr. Carlson agreed with Commissioner Pavlakis' concern. He looks at worst case scenarios and projections. He reiterated that Mr. Hagblom has spoken with three prominent businesses, which are included in the exhibit, that are anxious to locate on the subject property. Mr. Carlson also noted that he has not actively marketed the project because he has not obtained the necessary approvals.

Mr. Dunn reiterated that 17 years ago the City Council rezoned the corner of Bangerter Highway and Redwood Road and it has remained undeveloped. The other issue was that the proposal under consideration is not a request for a zone change. The earlier suggestion to rezone the Simple Products parcel as Light Industrial and leave the rest as Commercial constitutes spot zoning, a practice that can lead to lawsuits. A legal opinion would be required to determine the feasibility.

Chair Peterson re-opened the meeting to public comment.

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Brent Wolsey gave his address as 15131 Honor Drive and stated that he would like to see a win-win situation for the developer and residents. He thought the proposal makes sense but would like to see a provision included that would specify that a percentage of floor space be for various types of businesses. That way the City could come up with a blended development that makes sense for all stakeholders. Chair Peterson observed that the property is already zoned commercial and there are many businesses that could locate on the corner that would be undesirable. There would, however, be nothing the City could do because they would be permitted uses in the Commercial zone. He commented that there are options listed in the Light Industrial Land Use Table that he supports and others that he does not. Similarly, there are desirable and undesirable options listed in the Commercial Land Use Table. Chair Peterson's primary concern was to ensure that the developers will bring in businesses that are acceptable to area residents. In response to a question raised, Mr. Wolsey did not object to the idea of Simple Products locating on the subject property because it makes sense to consolidate the business into one facility.

Adam Haymond thought the proposal was going to be a light industrial development similar to what already exists along 14600 South, which is not aesthetically pleasing. Mr. Haymond expressed appreciation for the candor of the presenters and their willingness to listen to the citizens. On the basis of what has been presented, he was hopeful that the concerns of the citizens will be resolved. He expressed support for the desire of Simple Products to locate on the subject property and was pleased with the developers' desire to bring in commercial entities that will benefit the local residents. He concurred that it is better to see the property developed than to see it continue to sit vacant.

Chair Peterson noted that the property could be converted into storage units. Mr. Haymond expressed hope that the storefronts along Porter Rockwell Boulevard will have more of a commercial appearance. Mr. Haymond concluded by stating that he does not wholeheartedly disagree with what the developers are proposing for the property.

Eric Clayton gave his address as 611 Koins Way and stated that he lives across the street. He asked about the number of trucks that will come and go from the subject property. Chair Peterson did not have the answer but stated that there will eventually be a traffic light at the intersection. Mr. Crowell believed there will be access from Porter Rockwell Boulevard and 14600 South. Commissioner Pavlakis observed that there will be trucks even if retail goes into the proposed development. Mr. Crowell added that there will be a median at the intersection. The details still need to be worked out by UDOT.

Karen Bohorquez stated that the planned venues slated for the subject property appear to be fairly small. She hoped to see five medium sized commercial entities where people will want to linger. Chair Peterson stated that the developers will construct a large shell and allow the businesses that locate there to determine the size of their individual facility. Ms. Bohorquez wanted to see businesses that are conducive to families with young children.

Anthony Castro, who resides at 15189 Inverleith Cove, considered the Planning Commission to be the citizens' representatives. Chair Peterson clarified that the Planning Commission Members are

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not representatives because they are appointed. The true representatives are the members of the City Council, who are elected. The Planning Commission is an advisory body and to that end they represent the best interests of the citizens. Mr. Castro acknowledged that the Planning Commissioners' hands are tied because the property is privately owned. He urged the Planning Commission to do what they can to guarantee that the end result is desirable to the citizens.

Peter Larkin gave his address as 15189 South Liberty Bell Drive and expects the development to attract a carpet business, a CrossFit gym, or an Ace Hardware. With the widening of the road and other improvements that are taking place, the use of the property will become more varied. Mr. Larkin was not in favor of light industrial and believed there are others in the community who feel the same. He reported that is a business person and understands why the applicant sees the subject property as an ideal location for light industrial. He, however, did not see the current plan as making Bluffdale a destination.

Brian Christensen, a Draper resident, identified himself as the current owner of the subject property. He provided his email address for those who wished to discuss the proposal as brian@simpleproducts.com. With regard to the Simple Products building, Mr. Christensen stated that he owns several companies. He has a business that sells kitchen accessories along with an apron business. The flashlight business he owns is the fastest growing in the U.S.

Mr. Christensen reported that he looked at the subject property differently because of all of the work that has been done in terms of engineering and planning at his company's expense. He stated that he has owned the property for a long time. He proposed a Plan B, which was to hold the property for five more years when the prison moves and the City begins to develop toward Draper. He did not like the idea of waiting, but was under time constraints with his warehousing.

With regard to trucks, Mr. Christensen was concerned about what the subject property looks like because his daughter attends the school across the street. He was concerned about how the appearance of the property for the residents because he dislikes the current traffic situation. He stated that he has been working with UDOT on the road and his company has spared no expense on the building, specifically because his business will be located there. Mr. Christensen stated that his business will be located in the northeast corner and he has left the frontage for other businesses. The traffic studies conducted show the traffic volume as 2,400 vehicles per day. By the time his business moves in there will be 4,300 vehicles per day. By the year 2020 there will be 24,000 vehicles per day. The area is changing rapidly and he wants to keep up with it.

Mr. Christensen reported that he purchased the property because he has had a difficult time finding warehouse space. With regard to the issue of trucks, Mr. Christensen stated that there won't be a lot of truck traffic to and from his warehouse. He noted that the subject property has been designed to accommodate smaller trucks without affecting the retail spaces in front.

In response to Commissioner Pavlakis' question regarding the capacity to work within the Development Agreement to somehow specify, in response to the public comments, a percentage of allowable light industrial, Mr. Crowell stated that a development agreement is a two-party negotiation. It would need to be between the landowners and the City. Mr. Crowell reiterated that

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the item under consideration does not entail a zone change. He also noted that spot zoning is not illegal in Utah. In response to discussion as to whether the applicant would be willing to engage in negotiations to specify how much light industrial versus retail businesses would be allowed on the subject property, Chair Peterson observed that the Planning Commission will forward a recommendation to the City Council and could attach a finding to that effect.

Commissioner Berry stated that as soon as Porter Rockwell Boulevard is completed, the site will be prime property. He did not foresee the applicants having difficulty attracting the type of retail they want. Commissioner Loumis added that the completion of I-15 will also make a substantial difference.

Commissioner Luker was concerned that if the applicants get a client that wants the entire 60,000 square-foot building, there will be a large warehouse use on the site. He preferred to see a stipulation, if possible, that would preclude one client from leasing the entire building.

Mr. Christensen indicated that the reason he and his associates requested the change from the 50,000 square-foot maximum size to 60,000 square feet was because of the building on bottom left side of the site diagram. Mr. Christensen explained that he will not allow a client to occupy all 60,000 square feet. Discussion ensued on parking issues that can arise once clients express an interest in locating on the subject property. Mr. Crowell stated that a site plan review will address the parking needs of the prospective businesses and the potential impact. Commissioner Pavlakis had concerns with parking. She stated that if light industrial is allowed, the City could end up with a development that is entirely light industrial. She commented that there is no guarantee of retail if the property is opened up to light industrial.

Nick Berry moved to forward a positive recommendation to the City Council for the Rockwell Ridge Business Park Project Plan, which amends the Aclaime at Independence Development Agreement, Application 2016-30. Johnny Loumis, Jr., seconded the motion. Vote on the motion: Nick Berry-Aye; Kory Luker-Nay; Connie Pavlakis-Nay; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed 3-to-2.

Informal discussion ensued on the proposal. Chair Peterson believed that conceptually, the plan has good potential. In this case, the market will determine the final product. Commissioner Loumis remarked that there is an element of risk. Chair Peterson commented that there are uses allowed in the Commercial Land Use Table that he would not want on the subject property, however, there are uses in the Light Industrial Land Use Table that he would be in favor of.

Commissioner Luker was concerned that the buildings the landowners are looking to construct do not necessarily match what the landowners are looking for. He believed that the tenants will choose to locate in Draper. Commissioner Pavlakis commented that businesses go where there is a large anchor business and the subject property doesn't have that. Commissioner Loumis noted that Bluffdale's side of the street has better access. Commissioner Pavlakis indicated that the advantage the subject property having an eating establishment, such as Café Rio or Little Caesar's, is the nearby high school.

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Mr. Crowell expressed a desire to spend time with the Commissioners individually to discuss what he has heard from retailers. He added that retailers know more about the City, its demographics, and its purchasing patterns than the Planning Commissioners realize. Retailers collect a great deal of data because they don't want to take risks. Mr. Crowell concurred that the absence of an anchor tenant makes things more difficult. He added that Kroger has delayed its project in Bluffdale. Commissioner Pavlakis commented that the types of businesses that initially go into a business park impact the businesses that are willing to come in later. Mr. Crowell added that the daytime population is a determining factor in whether a business will be successful.

5. City Council Report.

Mr. Crowell reported that the SD zone for Independence Village was approved, as proposed. The Taylor Acres project was also approved.

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

There was no Planning Commission business.

7. Adjournment.

The Planning Commission Meeting adjourned at 9:12 p.m.



Gai Herbert
Community Development Secretary

Approved: September 7, 2016