



**BLUFFDALE CITY PLANNING COMMISSION
MEETING AGENDA
Wednesday, October 5, 2022**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting on **Wednesday, October 5, 2022, at 6:00 p.m., or as soon thereafter as possible** at the Bluffdale City Hall, 2222 West 14400 South, Bluffdale, Utah. This meeting may also be broadcast live to the public on the City's website www.bluffdale.com. Notice is further given that access to this meeting by Commission members may be by electronic means via telephone conference call.

PLANNING COMMISSION BUSINESS MEETING 6:00 PM

1. Roll Call.
2. Invocation/Thought/Reading and Pledge of Allegiance.
3. Approval of the Planning Commission meeting minutes from August 17, 2022.

Administrative Items:

4. **PUBLIC HEARING, CONSIDERATION AND VOTE** on a Preliminary Subdivision Application for the Porter Rockwell Commercial Subdivision for 5 acres creating 5 lots for future commercial development located at approximately 15800 South Redwood Road/Porter Rockwell Boulevard (northeast corner) Elliott Smith, Applicant (Application 2022-02) - Staff Presenter, Ellen Oakman.
5. **PUBLIC HEARING, CONSIDERATION AND VOTE** on a Conditional Use Application for the Sunridge Assisted Living Residential Facility on 2.91 acres located at approximately 13820 South 2700 West in the Neighborhood Commercial Zone (NC), Ryan and Mervyn Arnold, Applicants (Application 2022-16) - Staff Presenter, Ellen Oakman.
6. **CONSIDERATION AND VOTE** on a Site Plan Application for the Sunridge Assisted Living Residential Facility on 2.91 acres located at approximately 13820 South 2700 West in the Neighborhood Commercial Zone (NC), Ryan and Mervyn Arnold, Applicants (Application 2022-16) - Staff Presenter, Ellen Oakman.

Legislative Items:

7. **PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION** on proposed ordinance text amendments to Bluffdale City Land Use Code sections 11.20 (Definitions), 11.160 (Supplementary Provisions), and 11.80 (Residential Zones) to update the standards related to allowed locations for small accessory buildings and structures. City Initiated (Application 2022-38) - Staff Presenter, Grant Crowell.

Discussion Items:

8. Planning Commission Business (planning session for upcoming items, follow up, etc.).
9. Adjournment.

Dated: September 30, 2022

**Grant Crowell, AICP
Community and Economic Development Director**

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Present:

Members: Kory Luker, Vice Chair
Johnny Loumis, Jr.
Erik Swanson
Tina Griffis

Staff: Grant Crowell, Community and Economic Development Director
Ellen Oakman, Associate City Planner
Kjersti Jarman, Community Development Coordinator
Courtney Peterson, AV Technician

Public: Kyle Spencer
Ryan Arnold
Mervyn Arnold
Nate Boswell
Elliott Smith
Dean Compher
Brian Zsitz

In the absence of Chair Debbie Cragun, Vice Chair Kory Luker called the meeting to order at 6:00 p.m.

PLANNING COMMISSION BUSINESS MEETING

1. Roll Call.

All members of the Planning Commission were present with the exception of Debbie Cragun and Ulises Flynn.

2. Invocation/Thought/Reading and Pledge of Allegiance.

Mervyn Arnold offered the invocation. Johnny Loumis, Jr. led the Pledge of Allegiance.

3. Approval of the Planning Commission Meeting Minutes from August 17, 2022.

Tina Griffis moved to APPROVE the minutes from the August 17, 2022, Planning Commission Meeting. Erik Swanson seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Erik Swanson-Aye; Tina Griffis-Aye; Kory Luker-Aye. The motion passed unanimously.

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Administrative Items

4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Preliminary Subdivision Application for the Porter Rockwell Commercial Subdivision for Five Acres Creating Five Lots for Future Commercial Development located at approximately 15800 South Redwood Road/Porter Rockwell Boulevard (northeast corner) Elliott Smith, Applicant (Application 2022-02) – Staff Presenter, Ellen Oakman.

Associate City Planner, Ellen Oakman, presented the staff report. Ms. Oakman identified the location of the 22-acre subject property on a rendering displayed. What is proposed is a five-lot subdivision in the GC-General Commercial zone. It is surrounded by property that is zoned R-1-43. A diagram was presented of the proposed preliminary plat for the Porter Rockwell Commercial Subdivision. Two of the lots already have planned uses consisting of a 7-Eleven and Mountain West Interiors. It was confirmed that the Planning Commission would only be considering the subdivision plat application and no site plans.

Commissioner Griffis reported that the staff report identifies items that needed to come into compliance. Ms. Oakman indicated that they are very minor.

The applicant, Elliott Smith, gave his business address as 6770 South 900 East, Suite 300, in Midvale, and stated that they acquired the subject property in February 2022. He responded to Commissioner Griffis' question by stating that the outstanding requirements consist of paying the fees, posting the bond, and minor redline corrections so that the plat is in recordable format.

City Planner/Economic Development Director, Grant Crowell, clarified that the Planning Commission sees the preliminary plat. There is a final plat process, as well. If there are no significant issues, the final plat will not be placed on the agenda. The final plat involves several details, however, if they are minor issues, they remain within the purview of City Staff.

In response to Commissioner Swanson's question regarding the proposed access for Lot # 104, the access will be on Redwood Road on the far southeast corner where there is a shared access. The lots with cross-accesses were negotiated with the Covenants, Codes, and Restrictions ("CC&Rs"). Mr. Smith noted that McDougal and Partners own the remaining five acres to the east. They will also have access to the east-west road. Mr. Crowell stated that shared accesses are particularly important when the access is a Utah Department of Transportation ("UDOT") regulated State highway. Mr. Smith noted that UDOT has already approved the proposed access.

Vice Chair Luker opened the public hearing. There were no public comments. The public hearing was closed.

Johnny Loumis, Jr. moved to APPROVE the Porter Rockwell Commercial Preliminary Subdivision Plat Application 2022-02 subject to the following:

Conditions:

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1. **That all requirements of the City Codes and adopted ordinances are met and adhered to.**
2. **That the Final Plat Application is provided with associated requirements.**
3. **That the preliminary plat complies with the Bluffdale City Engineering Standards and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings.**
4. **That all construction drawings be approved and stamped by the City Engineer prior to any construction of improvements.**
5. **Continue to revise the project plans until fully compliant with City Engineering Standards and requirements.**
6. **Provide the completed stormwater maintenance agreement.**

Erik Swanson seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Erik Swanson-Aye; Tina Griffis-Aye; Kory Luker-Aye. The motion passed unanimously.

5. **PUBLIC HEARING, CONSIDERATION, AND VOTE on a Conditional Use Application for the Sunridge Assisted Living Residential Facility on 2.91 Acres located at approximately 13820 South 2700 West in the Neighborhood Commercial Zone (“NC”), Ryan and Mervyn Arnold, Applicants (Application 2022-16) – Staff Presenter, Ellen Oakman.**

Mr. Crowell reported that agenda items 5 and 6 could be considered together but voted on separately.

Ms. Oakman presented the staff report and identified the location of the subject property on a map displayed. She noted that on January 26, 2021, the area where the subject property is located went through a rezone and a land use change from General Commercial (“GC”) to Neighborhood Commercial (“NC”). The two zones are similar but the NC zone has a more residential character and less intense uses. Assisted living facilities are a Conditional Use in the NC zone but they are not permitted in the GC-1 zone. Ms. Oakman noted that Bangerter Highway runs north of the subject property and 2700 West is to the east. The main access to the subject property will be from 13900 South.

Ms. Oakman presented renderings of the proposed buildings, which include design elements to add to the residential character. Ms. Oakman next reviewed the proposed site plan for the subject property along with the proposed siding materials and color palette. She identified the location of 13900 South in relation to the site. The residential units will face north (Bangerter Highway).

In response to a question raised by Vice Chair Luker regarding the east side of the site plan, Ms. Oakman indicated that it would be the emergency access. Because of grading and access constraints, the applicants asked for flexibility with the landscaping. They were seeking to reduce

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the amount of glazing on the north side due to the need to protect the privacy of the residents. Ms. Oakman assured the Planning Commission that the proposed site plan exceeds the minimum requirement for landscaping by 8%.

Commissioner Swanson noted that the renderings provided in the packet were for the front of the building, which faces Bangerter Highway. He then asked about the appearance of the building that will face 13900 South where the public access to the property will be. Mr. Crowell that information could be provided to the Planning Commission.

Ms. Oakman reported that assisted living facilities are a conditional use in the NC zone. Mr. Crowell added that the NC zone is the only commercial zone that allows assisted living, which was why the property first needs to be rezoned from GC to NC.

The applicant, Mervyn Arnold gave his address as 1198 Grove View Drive in South Jordan. He noted that this has been an interesting project because of all the logistics that have had to be worked through to get the rezoning accomplished. They expected to have cross-access with the two neighbors but neither wanted to do so. For that reason, why it became necessary to locate the access along the east property line to allow for emergency vehicle access. The installation of the cement driveway that could bear the weight of fire trucks made it necessary to adjust the Landscaping Plan. Notwithstanding that adjustment, the landscaping will still exceed the minimum requirement.

Mr. Arnold commented that since Bangerter Highway has requirements attached to it, the south end of the facility is beautiful. It faces north to give residents a quieter place to enjoy the patio area. There will also be a putting green and other amenities. The front of the facility will face Bangerter Highway. The back meets all of the same requirements as were required for the front.

Mr. Arnold invited Brian Zsitz, the artist he and his son were working, with to address the Planning Commission. Mr. Zsitz gave his address as 1163 Stone Creek in Layton and explained that the glazing requirements are being complied with, particularly on the south side. The design of the north side would not be conducive to floor-to-ceiling glazing.

Vice Chair Luker opened the public hearing. There were no public comments. Vice Chair Luker closed the public hearing.

Erik Swanson moved to APPROVE the Sunridge Assisted Living Conditional Use Permit Application 2022-16, subject to the following:

Conditions:

- 1. That all requirements of the City Codes and adopted ordinances are met and adhered to and that the site plan and conditional use companies with the Bluffdale City Planning Standards and code requirements.**
- 2. That the project adheres to all requirements of the International Fire Code and receive approval from the City Fire Department.**

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3. That all requirements of the City Codes and adopted ordinances are met and adhered to and the site plan 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 as follows:
- a. The applicant shall continue to revise the project plans and Drainage Report to be compliant with City Engineering Standards.
 - b. Dedicate the requirement amount of canal shares in accordance with City ordinances.
 - c. Provide all required drinking water and storm drain easements as required by the Engineering Department.
 - d. That all construction drawings be approved and stamped by the City Engineer prior to any construction activities.
 - e. That the property owners are required to install and maintain landscaping including street trees in the public street, and 13900 South park strips for the site plan application.
 - f. The emergency access shown needs to be capable of supporting the imposed load of 75,000 pounds.

Kory Luker seconded the motion. Vote on motion: Erik Swanson-Aye; Johnny Loumis, Jr.-Aye; Tina Griffis-Aye; Kory Luker-Aye. The motion passed unanimously.

6. CONSIDERATION AND VOTE on a Site Plan Application for the Sunridge Assisted Living Residential Facility on 2.91 Acres located at approximately 13820 South 2700 West in the Neighborhood Commercial Zone (“NC”), Ryan and Mervyn Arnold, Applicants (Application 2022-16) – Staff Presenter, Ellen Oakman.

Tina Griffis moved to APPROVE the Site Plan Application for the Sunridge Assisted Living Residential Facility, Application 2022-16, with the following:

Findings:

- 1. That the proposed vertical landscaping be approved.
- 2. That the proposed reduced glazing on the north side shall be approved.

Johnny Loumis, Jr. seconded the motion. Vote on motion: Tina Griffis-Aye; Johnny Loumis, Jr.-Aye; Erik Swanson-Aye; Kory Luker-Aye. The motion passed unanimously.

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Legislative Items:

7. **PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION on Proposed Ordinance Text Amendments to Bluffdale City Land Use Code Sections 11.20 (Definitions), 11.160 (Supplementary Provisions), and 11.80 (Residential Zones) to Update the Standards Related to Allowed Locations for Small Accessory Buildings and Structures. City Initiated (Application 2022-38) – Staff Presenter, Grant Crowell.**

Mr. Crowell presented the staff report and stated that Staff was asked to look at revising provisions that were approved by the City Council on February 22, 2017, that created a new category, or framework, for locating small accessory buildings closer to side and rear property lines. They were referred to as portable buildings. They could be up to 400 square feet in size and could be placed within two feet of a side and rear property line. As portable buildings, they had to be constructed on skids. The City Council asked Staff to draft a text amendment that would cease to require the buildings to be portable and reduce the distances between the building and the residence. The complicated nature of the zoning requirements makes it difficult for the property rights of individuals to be equitable. Considerations for the text amendments included adjustments to coverage percentages, definitions, and building heights. The objective was to give people greater ability to provide for personal storage.

With the initial draft prepared, Mr. Crowell was directed by the City Council to present the proposed text amendments to the Planning Commission for their consideration and feedback. Mr. Crowell noted that if a building is greater than 200 square feet in size a Building Permit must be obtained, which requires compliance with the City's Building and Fire Codes. If the distance between two buildings is less than five feet, special requirements have to be met. Most properties have numerous easements in place so they need to be located and protected. In some cases, the roofs of buildings that are close to each other have to be designed to ensure proper drainage. The Fire Department also has concerns that would have to be adequately addressed. Mr. Crowell reported that there is an aesthetic element as well that needs to be taken into consideration, particularly with the appearance of front yards.

Mr. Crowell noted that the word "portable" was eliminated from the Code. Additionally, all references to "skids" were removed. The word "structure" was incorporated. The 400-square-foot size threshold was also retained. Instead of "portable building," the term "small accessory building or structure" was incorporated as a new category. Building and Fire Codes must still be complied with. The wall height will change from 10 to 12 feet but the roofline height would change only by one foot. The buildings would be only for storage and not for tiny homes. The buildings could be placed in a side yard but not attached to the home as a lean-to, which would impact the side setback requirement. The lot coverage would remain at a maximum of 30%. Some zones allow for 40 percent coverage. The 400-square-foot building would continue to count toward the lot coverage requirement.

Mr. Crowell presented diagrams to illustrate how the proposal would be implemented. Setbacks and aesthetics would continue to be an important consideration. Distances would be contingent on the

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zoning of the small accessory building or structure. As long as the structure is detached from the home, the distance could be minimal, provided that Fire Code requirements, open space, and aesthetic concerns were met.

Vice Chair Luker observed that setbacks and distances between buildings could be a challenge but it would be the responsibility of the property owner to address clutter and the potential for fire hazards.

Mr. Crowell noted that so far the proposal has been addressed by the City Council only in a work session. No public comment had been taken. The Planning Commission was conducting the first formal review of the proposal tonight. Mr. Crowell emphasized that a Building Permit would still be required to place a small structure on a residential lot. Anecdotally, he had heard that a small building was better than purchasing multiple sheds from a retail store.

Vice Chair Luker thought a portable building in front of a home would not be aesthetically pleasing. Mr. Crowell remarked that the lot size per the zone would be a major factor regarding where a small building might be placed. The existing setbacks would need to be considered.

In response to Commissioner Swanson's question regarding the Fire Chief's feedback for very small setbacks, Mr. Crowell stated that he was not comfortable with the idea of placing a building where the setbacks will be exceedingly small but indicated that no comfort threshold had been set. He hoped to get that number from the Fire Chief. Commissioner Griffis recommended establishing a minimum standard to address aesthetics and safety, such as potential risks to children and small animals or birds.

In response to Commissioner Loumis' question regarding the urgency of forwarding a recommendation to the City Council, Mr. Crowell stated that a time frame had been set for consideration at a future City Council Meeting. Commissioner Swanson commented that the Planning Commission would be interested in concrete recommendations from the Fire Department. Mr. Crowell would obtain information from the Fire Chief. Commissioner Swanson commented that based on his experience living in other urban areas, he was not comfortable with a zero setback.

Vice Chair Luker opened the public hearing.

Mr. Crowell read an email submitted by *Trevor Johnson* who indicated that no setback to the property line would be required, per the proposed text amendment. He requested that a minimum of two feet be required to ensure adequate water drainage from the roof and access around the building for maintenance. Many small buildings will not have rain gutters, so the water will not be directed away from the building, which could be problematic if the building is on the lot line. Furthermore, if the building were placed on the lot line, it may be necessary to use a neighboring property to do work on the building. If the building is on the lot line and is also used as a fence, there was a question of maintenance. Mr. Crowell offered to forward the email to the Planning Commission Members.

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There were no further public comments. The public hearing remained open.

Tina Griffis moved to TABLE the matter to the next Planning Commission Meeting. Johnny Loumis, Jr. seconded the motion. Vote on motion: Tina Griffis-Aye; Johnny Loumis, Jr.-Aye; Erik Swanson-Aye; Kory Luker-Aye. The motion passed unanimously.

Discussion Items

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

Mr. Crowell reported on the following:

- A Planning Commission Meeting is scheduled for October 19 where some site plans will be presented for review along with a Training Report.
- The City Council adopted the Moderate-Income Housing Element as recommended by the Planning Commission.
- The City Council has been spending a lot of time dealing with a tax referendum.
- A joint City Council/Planning Commission Economic Development Meeting was scheduled for October 12 at 5:00 p.m.

Accessory Dwelling Units (“ADU”) were discussed. Mr. Crowell reported that staff frequently is asked about ADUs. He was confident that the City complies with State Law. Large, detached structures or garages can be used for a wide variety of purposes but they cannot be residential dwelling units.

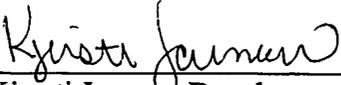
Commissioner Loumis’s previous intention was to remain on the Planning Commission until his term officially ends. He had family issues and had since decided that February 2023 would be his last month serving. Mr. Crowell asked Commissioner Loumis to send an email to the Mayor to officially inform her of his intentions and effective date. Commissioner Loumis stated that he has served on the Planning Commission for approximately 35 years and was glad to allow someone else to serve.

Community Development Coordinator, Kjersti Jarman, shared some of the plans being carried out by the Bluffdale Youth Council.

Vice Chair Luker thanked Commissioner Loumis for his service.

9. Adjournment.

The Planning Commission Meeting adjourned at 7:15 p.m.



Kjersti Jarman, Development Coordinator
Approved: October 19, 2022