



AMENDED - BLUFFDALE CITY COUNCIL SPECIAL MEETING AGENDA
Tuesday, December 28, 2010

Notice is hereby given that the Bluffdale City Council will hold a special meeting Tuesday, December 28, 2010 at the Bluffdale Fire Station, 14350 South 2200 West, Bluffdale, Utah scheduled to begin promptly at **7:00 p.m.** or as soon thereafter as possible. Notice is further given that access to this meeting by the Mayor and or City Council may be by electronic means by telephonic conference call.

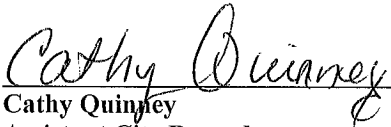
The Agenda will be as follows:

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING 7:00 P.M.

1. Roll Call, Invocation and Pledge.*
2. **PUBLIC FORUM** – (4 minute maximum per person to bring items not already on the agenda before the Council. Participants are encouraged to submit a written statement (1 copy) for items that are complex or that may require more than 4 minutes to present).
3. **CONSENT AGENDA:**
 - 3.1 Approval of the December 14, 2010 meeting minutes.
 - 3.2 Resolution to Cooperate with the Utah Department of Transportation to Resolve Future Conflicts with the Mountain View Corridor.
4. **PUBLIC HEARING:** Consideration and vote on a proposed site plan for a high school to be located at approximately 600 West 14600 South, Summit Academy High School, applicant, staff presenter – Vaughn Pickell.
5. **PUBLIC HEARING:** Consideration and vote on a proposed amendment to the Mixed Use ordinance to allow height of institutional buildings to equal that in the commercial areas of the Mixed Use zone (45'), Summit Academy High School, applicant, staff presenter – Vaughn Pickell.
6. Closed meeting pursuant to Utah Code § 52-4-205 (1) to discuss the character, professional competence, or health of an individual, collective bargaining, pending or imminent litigation, strategies to discuss real property acquisition, including any form of a water right or water shares, security issues, or any alleged criminal misconduct (if needed).
7. Adjournment.

Dated this 23rd day of December, 2010

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND AGENDA WAS FAXED TO THE SOUTH VALLEY JOURNAL, THE SALT LAKE TRIBUNE, AND THE DESERET MORNING NEWS; POSTED AT THE BLUFFDALE CITY HALL, BLUFFDALE CITY FIRE STATION, AND THE COMMUNITY BULLETIN BOARD AT THE BLUFFS APARTMENTS; EMAILED OR DELIVERED TO EACH MEMBER OF THE BLUFFDALE CITY COUNCIL; ON THE CITY'S WEBSITE AT WWW.BLUFFDALE.COM AND ON THE PUBLIC MEETING NOTICE WEBSITE, WWW.PMN.UTAH.GOV


Cathy Quinley
Assistant City Recorder

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening's agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting. In compliance with the American with Disabilities Act, Individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 254-2200.

* Contact the City Recorder if you desire to give the Invocation.

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Present:

Members: Mayor Derk Timothy
Troy Chisholm
Rod Flanigan
Alan Jackson
Bruce Kartchner
Noell Nelson

Others: Mark Reid, City Manager
Vaughn Pickell, Community Development Director
Paul Burke, City Attorney
Teddie Bell, City Recorder

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING

Mayor Derk Timothy called the meeting to order at 7:00 p.m.

1. Roll Call, Invocation, and Pledge.

All Members of the City Council were present. Mayor Timothy offered the invocation. Noell Nelson led the Pledge.

2. Public Forum.

There were no members of the public wishing to speak.

3. Consent Agenda:

3.1 Approval of the December 14, 2010 Meeting Minutes.

Troy Chisholm moved to approve the consent agenda. Bruce Kartchner seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

4. PUBLIC HEARING: Consideration and Vote on a Proposed Site Plan for a High School to be Located at Approximately 600 West 14600 South, Summit Academy High School, Applicant, Staff Presenter – Vaughn Pickell.

Community Development Director, Vaughn Pickell, presented the staff report and stated that Summit Academy currently operates a charter school in Draper consisting of an elementary school and a middle school. The proposed new high school location is approximately 14600 South and 600 West and consists of 18.5 acres in the Mixed Use Zone within the Independence Project. Mr. Pickell explained that charter schools are actually public schools but differ from

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traditional public schools in that they have their own school board. Utah Code provides that charter schools are permitted uses in every zone. In the Mixed Use Zone schools are listed as conditional uses, however, because State Code provides that they are permitted, that requirement is superseded and no conditional use permit is required. The Code also provides that charter schools are to be reviewed on a first priority basis. The City has been working to accommodate the request and expedite the review to the extent possible.

Mr. Pickell reported that the Code also provides that not all City ordinances apply to charter schools. For example, the City cannot regulate the landscaping, fencing, or other aspects that are typically reviewed in the site planning process. The applicants propose to initially enroll 500 students in the fall with 100,000 square feet of total building space proposed. The initial phase, however, will consist of only approximately 60,000 square feet. The applicants propose to construct a future auditorium and other facilities such as sports fields. The property was identified on a site map that was displayed. Mr. Pickell showed the original Independence plan contained in the development agreement. The area where the school is proposed was originally planned as 140 single-family homes. The elevations of the proposed building were presented and the two access points identified.

Mr. Pickell reported that in an earlier conversation with City Attorney, Paul Burke, it was recommended that if the Council is inclined to recommend approval tonight that language be included in the motion indicating that there shall not be a waiver of the existing development agreement. He indicated that the Planning Commission held its required public hearing and recommended approval of the request unanimously with one abstention.

In response to a question raised by Rod Flanigan, Mr. Pickell stated that potentially 140 homes were being displaced by the development of the proposed school. In Mr. Pickell's opinion, it is unlikely that the 140 homes will fit elsewhere in the development. If feasible, however, the applicant has the right to transfer density between phases.

Mayor Timothy asked Mr. Pickell to explain how the traffic circulation will work once the property is divided with the middle piece. Mr. Pickell stated that that issue has not yet been discussed. Flow patterns were discussed. The Mayor thought it would be best for the traffic to flow in a circular fashion. Mr. Pickell stated that regardless, it will be necessary to adhere to UDOT standards. He recommended the issue be addressed tonight in the motion.

Mr. Pickell referred to the DRC comments contained in the packet in addition to comments submitted separately by City Engineer, Brent Ventura. Parking issues were discussed. Council Member Chisholm wanted to ensure that there is adequate parking to avoid overflow onto adjoining properties. It appeared, however, that adequate parking was proposed.

In response to a question raised, Mr. Pickell stated that any changes to the development agreement have to be agreed to by all parties involved. Mayor Timothy liked the project and thought it would be beneficial to the City. Parking issues were discussed.

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Bruce Kartchner moved to open the public hearing for the Summit Academy High School application with the project location being approximately 533 West 14600 South. Rod Flanigan seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

Tyler Brojero was present on behalf of Summit Academy and gave his address as 177 East Antelope Drive in Layton. Originally the applicants hoped to obtain three access points but were limited to two with the understanding that the future road is to be built to UDOT standards. He noted that the proposed number of parking stalls far exceeds what is required. Additionally, the LDS Church has approached the developer about locating a seminary building nearby. In many cases the seminary and high school share parking. There was no expected need for off-site parking. Procedural issues were discussed.

Troy Chisholm commented that he previously inquired about future development within the Independence Project and funding. His understanding was that most of the funding for the school will come from the State. Mr. Brojero explained that a State-run district school is funded up front and pays for the school and land, which makes the school debt free. The operational costs from day 1 on are based on a per student/per pupil calculation. Charter public schools are somewhat different and do not receive money until the first day of school on a specific number of students.

Summit Academy Representative, Holly Brown, stated that each student is funded based on where they attend school. She described the funding process and stated that it is similar to an investment. She was confident and excited about the funding prospects since in their previous two projects they earned the first investment grade bond ever issued to a public school in Utah. She noted that funding is very strong based on their reputation and academic model. Many aspects of the project are outside of their control such as the financial markets. For that reason they watch the bond market carefully. Sometime in January the bonds will be sold and the school will be rated. This rating will determine how much funding they will receive. Their current status has been achieved by being extremely conservative. For that reason, they do not plan to overextend themselves in the budget and will ensure that there are always surplus funds and a positive cash flow. Ms. Brown stated that this has been their trademark.

In response to a question raised, Ms. Brown stated that to break even, the school needs an enrollment of 500 students. Funding, financing, and enrollment issues were discussed. Troy Chisholm asked about the likelihood of Bluffdale residents having the opportunity to attend the school. Ms. Brown stated that it is extremely likely and that as early as January open houses and informational meetings will be held where more information can be received.

Mr. Brojero explained that with regard to funding, it is the school's intent to defer what they can. In response to a question raised, Ms. Brown stated that a school of the size and quality proposed typically costs \$35 million to construct. The proposed school will be completed for less than \$11 million. She reported that their bond financing is done by DA Davidson.

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There were no further public comments.

Bruce Kartchner moved to close the public hearing. Troy Chisholm seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

Mr. Reid stated that the City's desire to move forward facilitated tonight's meeting and was an effort to show its support. Traffic flow issues were revisited. Mayor Timothy's opinion was that the northern access should be right in and right out. The other access should in the future enable motorists to turn left out. Doing so will improve the traffic pattern.

Independence Representative, Tom Suchosky, explained that the plan as currently laid out shows only the design of the western two lanes. The median will be 16-feet wide and landscaped in the ultimate plan; however, there is room to construct both a left-hand turn opening and an acceleration lane along the median. The distance between the various points was estimated to be approximately 250 feet. As such there is enough room for an acceleration lane. Originally, the discussion was to allow left turns out of both entrances to facilitate traffic flow from the facility. Mr. Suchosky suggested care be taken in the median to eliminate landscaping in areas that could potentially block the view of motorists. Possible options were discussed as well as traffic circulation pattern details.

Bruce Kartchner asked if the secondary emergency access is required. Mr. Brojero stated that it is not but has been acquired. Council Member Kartchner was not aware of another school that feeds directly onto a 45 mph road. He was concerned about teenage drivers being forced to cross roadways and merge with traffic traveling potentially at 45 mph. He asked if the school can be accessed another way. He also suggested UDOT be approached to determine whether all of the design criteria at build out will allow for a traffic light in the area. Mayor Timothy stated that UDOT's requirement is 1,000 feet. He assumed that so long as the distance is greater than 1,000 feet from 14600 South to the next light, it will be allowed. Mr. Suchosky estimated that it is approximately 1,300 feet from 14600 South to the northern boundary of the school.

Mayor Timothy stressed his desire to maintain Porter Rockwell as a boulevard rather than a freeway. If the project lends itself to what is most beneficial to the City in the future he wanted to make sure that the road is designed to encourage motorists to use it rather than other roads through the middle of the City. Possible alternative alignments were explored that would potentially address the issues raised. Mayor Timothy wanted to ensure the safety of the area and suggested planning for the future need for a traffic light at the entrance to the school for the purpose of students turning left onto Porter Rockwell Boulevard traveling north. He urged the applicants to ensure that the traffic flow pattern works into the future so that it does not have to be reconfigured.

Bruce Kartchner moved to approve Summit Academy High School's application for site plan approval observing that the application meets the requirements of the applicable

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regulations, require the DRC to address the ingress/egress issues as discussed looking forward to the future 45 mph road and subject to the current and future DRC Comments including the following:

DRC Comments:

- 1. Porter Rockwell design needed and needs to be completed with school. Secondary/emergency access cannot be the only access.**
- 2. Height – zone text amendment required for height greater than 30'. Could run concurrently with other applications.**
- 3. Lot line adjustment needs to be completed.**
- 4. Secondary water – work with Tom Suchosky to determine strategy for secondary water. Likely to be WaterPro rather than culinary.**
- 5. Sewer is South Valley Sewer District.**
- 6. Use City standards of APWA where City's are lacking.**
- 7. Density compaction is 96% for City improvements.**
- 8. City does not allow waterways, but requires piped storm drain.**
- 9. Storm drain pond is not to City specifications. 3:1 slope required. Who owns pond, what size, retention or detention? Ownership or easement. Show capacity and other details. Soils test for percolation rate and retention.**
- 10. Master planned storm drain needs to be installed and continued through the site (property boundary to property boundary) and to City standards. If larger than needed for your site, City contributes upsize amount from impact fees.**
- 11. Storm drain for Porter Rockwell hill?**
- 12. Need drainage calculations for school site regarding impervious surfaces and how much is generated on site.**
- 13. Need more area for tennis courts beyond the baseline.**
- 14. Check if there is an easement for the existing sewer line to make sure buildings are respecting it.**
- 15. Existing irrigation main exists rather than lateral. Show connections.**

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16. Show connection to culinary water.
17. Show all off-site utilities, water, storm drain, canal company if they will be affected.
18. Provide written permission for secondary/emergency access.
19. City address for City utilities on cover sheet.
20. Access without crash gate for temporary access.
21. Provide access to both entrances on east with Porter Rockwell.
22. Provide details on storm drain pond and system.
23. Provide details or notes on grading plan.
24. Southeast corner is laid out as if there is no future road.
25. Use City details and standards.
26. Provide NOI for SWPPP.
27. Show water lines and hydrant locations.

Approval neither construes nor implies a modification to the underlying development agreement. Troy Chisholm seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

5. **PUBLIC HEARING: Consideration and Vote on a Proposed Amendment to the Mixed-Use Ordinance to Allow Height of Institutional Buildings to Equal that in the Commercial Areas of the Mixed Use Zone (45'), Summit Academy High School, Applicant, Staff Presenter – Vaughn Pickell.**

Mr. Pickell presented the staff report and stated that one of the permissible items the City can regulate is height. In reviewing the plans staff found that the proposed structure is higher than allowed by the current Mixed Use Zone. Mr. Pickell noted that the current zoning ordinance doesn't address institutional buildings. As a result he suggested the phrase "institutional buildings" be added to the Mixed Use section allowing heights of up to 45 feet.

Bruce Kartchner moved to open the public hearing related to an amendment to allow additional heights for institutional buildings in the Mixed Use Zone. Troy Chisholm

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seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

Mr. Brojero described the design of the building and stated that the building was designed to break up some of the walls and eliminate the appearance of one flat wall.

Mr. Suchosky asked for clarification on how the height will be measured. Mr. Pickell explained that the Building Code definition will be used which is an average of the corners of the building at finished grade and measured to the top plate of the building rather than the arch, which is the highest point.

There were no further comments.

Bruce Kartchner moved to close the public hearing. Noell Nelson seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

Bruce Kartchner moved to approve the ordinance amending Chapter 12.6.18112 of the Bluffdale City Zoning Ordinance to allow Institutional Buildings in the MU Zone to be 45-foot high as designated in the draft copy of the ordinance provided. Noell Nelson seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

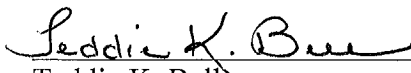
6. Closed Meeting Pursuant to Utah Code §52-4-205(1) to Discuss Litigation, Property Acquisition and the Character and Professional Competence or Physical or Mental Health of an Individual.

No closed meeting was conducted.

7. Adjournment.

Bruce Kartchner moved to adjourn. Alan Jackson seconded the motion. Vote on motion: Noell Nelson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Rod Flanigan-Aye, Troy Chisholm-Aye. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.



Teddie K. Bell
City Recorder:

Approved: January 25, 2011

