

**BLUFFDALE CITY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Tuesday, April 3, 2007**

**Present:**

**Members:** Stan Mitchell, Chair  
J. Lee Bertoch  
MJ Jackson  
David Lucero (joined meeting via telephone at 7:10 p.m.)  
Jody Tuft, Alternate

**Others:** Vaughn Pickell, Community Development Director/Planner  
Rebecca Richins, Administrative Secretary  
Tyler Barlow, Planning Intern  
Bill Maxwell, City Council Liaison

Chairman Stan Mitchell called the meeting to order at 6:00 p.m.

**STUDY MEETING**

**Discussion of Agenda Items, Planning Commission Training and Other Matters as Determined by the Planning Commission.**

Community Development Director, Vaughn Pickell, reported that at the last meeting, MJ Jackson asked for information concerning a noise ordinance. He referred to two memos prepared by former Planning Intern, Kevin Hochhalter.

Mr. Pickell explained that the City had in place a firearms ordinance as well as section of the zoning ordinance addressing nuisances, which basically adopts the state code definition of nuisance. The nuisance language specifically enumerates different types of nuisances. The animal control ordinance contains more detail and defines certain animals or activities related to animals as nuisances as well.

Mr. Pickell reported that the City had an ordinance regulating the discharge of firearms. In light of changes within the City, MJ Jackson did not view the discharge of firearms as acceptable. Safe areas where shooting could take place were identified. Chair Mitchell thought the County firearms restrictions were restrictive enough. He pointed out that a shotgun's practical range was less than 600 feet. Although the shot may be heard, homes and people would not be in danger. MJ Jackson asked why shooting had to be allowed in the City. Chair Mitchell asked what damage was being done. MJ Jackson complained about the resulting noise. Chair Mitchell responded that shooting was allowed one-half hour before sunrise.

Chair Mitchell remarked that implementing firearms restrictions would be a good way to make Bluffdale suburban. Mr. Pickell remarked that most cities prohibit discharge of a firearm outright. Chair Mitchell clarified that many cities have a firearms ordinance but still allow shooting within their city limits because there are areas within the city limits

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that are rural. He thought there was a big difference between having a firearms ordinance and preventing someone from shooting ducks on the canal away from people and houses.

Chair Mitchell discussed safety issues and explained that blinds are established to maintain a minimum distance of 300 feet. He explained that a rifle cannot be discharged within one mile of a home. He stated that there were no areas within the City where a rifle or handgun could be discharged. He thought the City was more than adequately covered from a safety standpoint. Potential violations were discussed. It was suggested that violations be reported to the police. Chair Mitchell wanted to avoid taking people's rights away. Mr. Pickell remarked that based on the current state of the City, the ordinance would eliminate nearly all shooting within the City.

Mr. Pickell referred to the second memo dealing with actions the City could take such as to define public nuisances better or adopt a chapter to deal with noise.

J. Lee Bertoch brought up the issue of weeds along the trail and people cleaning up after their animals in the park.

Mr. Pickell recommended that noise and other nuisances be addressed in the existing nuisance chapter. A subheading could be created for noise. The Commission Members were asked to review the document and bring suggestions to the next meeting.

A letter from Contract City Engineer, Brent Ventura, was submitted containing additional comments for the Asherwoods Estates subdivision being addressed tonight. They should have been included as part of the DRC comments but were not. Mr. Pickell recommended any motion made by the Commission tonight include the DRC comments and all staff conditions.

MJ Jackson asked about the ridgeline and sensitive lands ordinance. Mr. Pickell remarked that both issues could be included in one ordinance.

MJ Jackson referred to the rock moving operation taking place. Mr. Pickell responded that he would be attending a meeting about that on Thursday with someone from the Division of Oil, Gas, and Mining. He reported that there were state regulations about mining. The representative would be meeting with the City Attorney and Mr. Pickell. The City would be provided with files pertaining to mining operations in Bluffdale. Once those are received and the matter investigated, a determination could be made as to which items to enforce.

MJ Jackson expressed concern that the developers had flattened off two hills on the site.

J. Lee Bertoch had a concern about irrigation ditches and contract developers eliminating them. Irrigation and canal issues were discussed.

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Mr. Pickell planned to address sensitive lands, ridgelines, noise, and nuisances at the next meeting.

Mr. Pickell reported that the Planning Commission's recommendation on the transportation element of the general plan was forwarded on to the City Council. The City Council then held a public hearing at its last meeting. Chris McCandless attended and voiced his concern about the proposed alignment of 1300 West. The City Council directed staff to get more input on the matter. Mr. Pickell had a meeting scheduled with Chris McCandless, the school district, the City Engineer, and any other interested parties. Alignment issues were discussed.

Country road standards and curb, gutter, and sidewalk issues were discussed.

Chair Mitchell asked that staff look at construction scaffolding erected on a construction site. He described it as shoddy-looking.

**BUSINESS MEETING**

The Business Meeting was called to order at 7:00 p.m.

**1. Public Comment (for items not appearing elsewhere on the agenda).**

There were no public comments.

**2. City Council Report.**

City Council Liaison, Bill Maxwell, presented the City Council Report. He reported that the Mayor saw fit to appoint Vaughn Pickell as the Community Development Director. With the change would come a pay increase and department head status. The Council was extremely pleased with the change. Mr. Pickell would continue to work as the City Planner until both offices could be filled. The vote passed unanimously, 5-to-0.

The Council also voted on Ordinance No. 2007-14, which amended the general plan land use map. The request was approved by the City Council. The property was rezoned neighborhood commercial by the Council.

Council Member Maxwell reported that due to time constraints, all of the agenda items were not addressed. All of the public hearings were conducted. All items not addressed would be put on the next City Council agenda.

1300 West realignment issues were also discussed at the last City Council Meeting. The Council instructed staff to ensure that the map and text match.

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CDBG fund issues were discussed. Mr. Pickell reported that some of the City's soft cost money was donated to The Road Home and The Utah Food Bank. The City would look carefully at how to spend some of the hard funds.

**3. Review and Recommendation of Asherwoods Estates Final Plat, a 10-Lot Subdivision Located at Approximately 3200 West 13800 South, Fensalir Properties, Applicant.**

David Lucero joined the meeting via telephone.

Vaughn Pickell presented the staff report and stated that DRC comments were included from the last DRC meeting as well as staff recommendations and findings and City Engineer comments.

Randy Smith of Larson Malmquist was present representing Fensalir Properties. He referred to the staff comments and noted that 12 of them had been satisfied. Twelve new conditions were added but were identified as minor things that could be easily addressed.

MJ Jackson referred to the setback requirements contained in the CC&Rs. It was noted that the CC&Rs require 50-foot setbacks while City zoning requires only 30 feet.

Wording regarding the subdivision of lots was discussed. Mr. Smith agreed to reword the language to make it clear that anyone wanting to subdivide a lot must first go to the HOA. If allowed, they would then be required to obtain approval from the City.

J. Lee Bertoch referred to page 2 of the Horrocks Engineering memorandum regarding the storm drain line. Mr. Smith explained that the storm drain line was shown under 13800 South. They planned to put catch basins in the mid point of the road and put piping under it all the way up 13800 South. The pipe itself would meet the engineering standards of the City.

Chair Mitchell referred to item 2(i) and recognized there was a fairly large demographic within the City. He thought it was common for 4-H projects to involve children who would care for a baby sheep or baby goat that at the end of the year would be sent off to market. He thought the proposed language was too restrictive and urged the applicants to change it. He remarked that it would not change his decision.

**MJ Jackson moved to approve the Asherwoods Estates Subdivision final plat as presented including the items that still need to be addressed and pass it on to the City Council with a positive recommendation. The motion was subject to the DRC recommendations and the following staff recommendations and findings:**

**Staff Recommendations--**

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- 1. Developer must ensure that adequate public facilities are provided by providing a report as outlined in Section 11.15 of the Bluffdale City Subdivision Ordinance.**
- 2. Appropriate water shares are deeded to Bluffdale City in the amount of 3.0 acre-feet of water per gross acre of land included in the subdivision.**
- 3. The Developer must comply with any future conditions pertaining to this subdivision as determined by the Planning, Engineering, Public Works, or Building Departments.**
- 4. The Developer must pay all required street improvement costs as required and calculated by the City Engineer. Quantities for bond improvements must be submitted to the City Engineer for calculation of the bond amounts.**
- 5. All street improvements are completed and bonded for after the recordation of the final plat.**
- 6. The Developer is to design and construct access roads which meet Bluffdale City standards as acceptable to and approved by the Bluffdale City Engineer, or designee.**
- 7. Construction drawings are resubmitted to include Bluffdale City construction standards per the Engineering Department's requirements.**
- 8. Developer must provide a note on the development plans that the developer will chip seal after 1 year on roadway cross-section.**
- 9. Developer must show the storm drain system per Bluffdale City standards.**
- 10. Developer must show streetlights at intersections and at the end of cul-de-sacs.**
- 11. Developer must show on the plans a 1.0% minimum slope on all curb and gutter.**
- 12. Developer is made aware that South and West coordinates are required for street names.**
- 13. The Developer is to submit plat drawings, as well as construction drawings in electronic format (CAD).**
- 14. The Developer is to install fire hydrants with a minimum fire flow of 1,500 g.p.m. the number of which to be determined and approved by the Bluffdale**

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**City Fire Chief. Fire hydrants must be within 250 feet of a structure, and within 500 feet of another hydrant.**

**Staff Findings:**

- 1. The proposed use is allowed as a permitted use in the underlying R-1-43 zone, as provided for in Section 12.6.4 of the Bluffdale City Zoning Ordinance.**
- 2. The proposed subdivision meets the requirements of Section 11.29, final plat, of the Bluffdale City Subdivision Ordinance.**
- 3. The proposed site plan will not be detrimental to the healthy, safety, or general welfare of persons or property within the area.**

**J. Lee Bertoch seconded the motion. Vote on motion: Jody Tuft-Aye, J. Lee Bertoch-Aye, MJ Jackson-Aye, Dave Lucero-Aye, Stan Mitchell-Aye. The motion passed.**

- 4. Public Hearing on Conditional Use Permit for an Automotive Service Center in Heavy Commercial (HC) Zone at Approximately 859 West 14600 South, Kevin B. Dolan, Applicant.**

Mr. Pickell presented the staff report and stated that the applicant applied for a conditional use permit for an automotive service center to be located at 14600 South 859 West. The general plan was Light Industrial while the zoning was Heavy Commercial. The lot was determined to comply in every respect with the standard for the Heavy Commercial Zone in terms of frontage and setbacks. The general plan land use map was displayed and the parcel in question was identified.

The applicant planned to build the service center behind the existing home on the site. A concrete drive would access the private road. The parcel was slightly over one acre in size. Nearby businesses were identified.

Staff recommended the Commission determine whether there would be any potential negative impacts as a result of the proposal and if so, conditions should be imposed to mitigate those impacts. If no reasonable conditions could be imposed to mitigate the negative impacts, only in that situation could the request be denied.

Chair Mitchell opened the public hearing.

The applicant, Kevin Dolan, a South Jordan resident, planned to move to Bluffdale and start his business. He recognized that with an automotive repair business, there were various things that could affect his neighbors. He explained that he had worked in fairly

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tight situations and had never had a complaint. He respected his neighbors and believed the business could be handled in a manner that will prevent problems. He planned to insulate the building to confine the noise. He also planned to invest in virtually noiseless equipment. A road base would be put down to help control noise and dust. He stated that he used extreme caution when dealing with hazardous materials. Mr. Dolan stated that his business would consist only of auto repairs.

J. Lee Bertoch asked how large Mr. Dolan's customer base was. Mr. Dolan responded that he typically services 400 cars per year. The on-site parking was expected to accommodate 5 to 10 vehicles. His intent was not to store disabled vehicles on the site. Disabled cars, however, would be present when waiting for ordered parts to arrive. In response to a question raised by Chair Mitchell, Mr. Dolan reported that he would have a maximum of three employees other than himself. The intended hours would be 9:00 a.m. to 6:00 p.m. seven days per week.

Fire Chief comments were not obtained. Mr. Pickell suggested, however, that the applicant work with the Fire Department. Mr. Dolan reported that fire hydrants would be provided in the building for fire suppression. He stated that anti-freeze and engine oil would be stored on the site.

There were no other public comments.

**Chair Mitchell moved to close the public hearing. MJ Jackson seconded the motion. Vote on motion: Jody Tuft-Aye, J. Lee Bertoch-Aye, MJ Jackson-Aye, Dave Lucero-Aye, Stan Mitchell-Aye. The motion passed.**

**5. Consideration and Vote on a Conditional Use Permit for an Automotive Service Center in a Heavy Commercial (HC) Zone at Approximately 859 West 14600 South, Kevin B. Dolan, Applicant.**

Chair Mitchell asked about the storage of oil and potentially harmful substances. He presumed that regardless of the zone, there were regulations to which the company must adhere to. Mr. Pickell was not aware of any City ordinances that would apply, however, there were state and federal regulations.

Jody Tuft reported that she had been in Mr. Dolan's shop in South Jordan. In that instance, hers was the only disabled car on the lot. She found his garage to be very tidy and well-maintained. Cars were all parked off the street behind the shop. She was confident that Mr. Dolan would continue to run his business in the same manner if granted the conditional use permit.

Chair Mitchell read from the land use principles. He didn't see any conflict between the proposed use and the Heavy Commercial Zone or Planning District #5.

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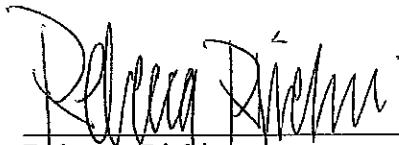
**MJ Jackson moved to approve the conditional use permit application for an automotive service center for Kevin Dolan at 859 West 14600 South in the Heavy Commercial Zone. The applicant would be required to meet all state requirements pertaining to storage of hazardous materials, specifically anti-freeze and used oils, in addition to other items. Mr. Dolan was directed to meet with the Fire Chief to determine the best way to prevent potential problems. The motion was to include the DRC comments. Stan Mitchell seconded the motion. Vote on motion: Jody Tuft-Aye, J. Lee Bertoch-Aye, MJ Jackson-Aye, Dave Lucero-Aye, Stan Mitchell-Aye. The motion passed.**

**6. Approval of Minutes of the February 6, 2007, and March 6, 2007, Meetings of the Planning Commission.**

**MJ Jackson moved to accept the minutes of February 6 and March 6 as a representation of the discussions that went on in our Planning and Zoning Meetings. J. Lee Bertoch seconded the motion. Vote on motion: Jody Tuft-Aye, J. Lee Bertoch-Aye, MJ Jackson-Aye, Dave Lucero-Aye, Stan Mitchell-Aye. The motion passed.**

**7. Adjournment.**

The Planning Commission Meeting adjourned at 7:50 p.m.



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Rebecca Richins  
Planning Secretary

Approved: May 1, 2007