



PLANNING COMMISSION MINUTES

Wednesday, March 20, 2024

Approved May 1, 2024

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, March 20, 2024, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

Presiding: Chair Andy Powell

Commissioners Present at Work Meeting: Brody Rypien, Andrea Bradford, Alternate Forest Sickles, Jackson Ferguson, Heather Garcia, Darryl Fenn, Alternate Terrah Anderson, and Alternate Preston Oberg

Excused:
Adam Jacobson

Staff Present: Planning Director Michael Maloy, Planning Manager Clint Spencer, Planner II Sheldon Howa, Deputy Recorder Angela Hansen, Planner I Laurin Hoadley, Assistant City Attorney Matt Brooks, Communications Specialist Destiny Skinner, Deputy Chief of Police Cody Stromberg, and Staff Engineer III Josh Petersen

6:00 PM WORK MEETING (Fort Herriman Conference Room)

Chair Andy Powell called the meeting to order at 6:01 p.m.

1. Commission Business

1.1. Review of City Council Decisions – Michael Maloy, Planning Director

Planning Director Maloy disclosed there were no land use items on the City Council agenda last week. Next week's consent agenda will include three reappointments of Planning Commission members. The City Council members have requested staff to create a dashboard of projects in the city including demographics and what has been happening in the city in the last 30 days to share as

a quick pdf in the work meeting. Staff can also share this information with the Planning Commission.

1.2. Review of Agenda Items – Planning Staff

Planning Manager Spencer explained Item 4.1 is for building 3 and 4. These two buildings face towards Miller Crossing Dr. There are very few corrections with building material and stucco percentages to meet the MDA.

Commissioner Rypien arrived 6:04 PM.

Planning Manager Spencer communicated item 4.2 has one lot that will need approval of the access with a circular driveway. This lot will not have the precast fence along the lot. Staff Engineer Petersen conveyed there is an existing storm drain that goes through the alignment of Silver Sky Dr. The developers are doing an analysis for the new floodplain to determine if they can leave the pipe or if they will need to upsize it. Commissioner Sickles queried why the circular drive is necessary. Staff Engineer Petersen advised the driveway consists of two legs with a thirty-five feet minimum space between them which allows for a safe way to exit forward onto arterial road. Commissioner Oberg expressed his confusion with the roads being on angles and not straight for future development. Planning Manager Spencer mentioned since they meet the engineer standards it is hard for the city to deny them. The developers are also tying into other phases that are odd shapes. After this area they could layout roads into more of a grid system.

Planner Howa relayed item 5.1 was discussed in previous meetings and the requested changes have been made. Commissioner Anderson questioned why the changes came about. Planner Howa informed the building trends are changing and they are trying to allow the new building materials being requested by the developers. Planning Director Maloy advised a lot of new materials that are common now weren't available 20 years ago. Some of these materials have been allowed in MDA's and are performing well. With the ongoing request from the developers these changes seem reasonable.

1.3. Presentation and Discussion of Land Use Development Standards, Policies, and Training – Michael Maloy, Planning Director

Planning Director Maloy disclosed in a future meeting DAL will bring their proposed Master Development Agreement (MDA). The staff is working on more legislative items, one of them being the helicopter ordinance. The council adopted new services and standards for animal control that also relate to zoning and business licenses. The Camden Commons have framed their first twin home and submitted the permit request for the next town home with three units. They recorded the plat upfront and can now request multiple permits to complete construction but will not be eligible for occupancy until the roads are finished. They have requested a few minor amendments to their MDA and those will come in future agenda. Their final designs for the single-family homes might need a height adjustment requirement if they choose to pursue it. Chair Powell sought if anything has come up on 13400 south by Mountain View. Planning Director Maloy reported the owners, and their partners will have national objectives as to when they want to open certain projects. Commissioner Anderson checked for updates on the projects across from the Blackridge Elementary? Planner Howa advised the building permit has been submitted, so they are moving forward.

Planning Director Maloy presented a slide show “The presentation and discussion of City planning policies, standards, and ordinances”. The Herriman City strategic plan was shown and discussion among Commission and staff ensued.

Commissioner Ferguson arrived 6:45 pm

2. Adjournment

Commissioner Sickles moved to adjourn the meeting at 7:00 p.m. Seconded by Commissioner Garcia and all voted aye.

7:00 PM REGULAR PLANNING COMMISSION MEETING (Council Chambers)

3. Call to Order

Chair Andy Powell called the meeting to order at 7:04 p.m.

3.1. Invocation, Thought, Reading and/or Pledge of Allegiance

Aaron Osmond led the audience in the Pledge of Allegiance.

3.2. Roll Call

Full Quorum present

3.3. Conflicts of Interest

No conflicts were reported.

3.4. Approval of Minutes for the February 21, 2024, Planning Commission Meeting

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/3-20-24/Item+3.4+-+Draft+Minutes+02-21-2024.pdf>

Commissioner Garcia moved to approve the Minutes for the February 21, 2024, Planning Commission meeting; Commissioner Fenn seconded, and all voted aye.

4. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.

4.1. Review and consideration of final building elevations and landscape plans for two commercial buildings (on pads 3 & 4) in the Mountain View Plaza located at 5139 and 5127 W Miller Crossing Drive in the C-2 Commercial Zone.

Applicant: Aaron Osmond, Mtn View Plaza LLC (property owner)

Acres: ±0.44

File No: C2024-023

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/3-20-24/Item+4.1+-+Staff+Report.pdf>

Planning Manager Spencer presented the Mountain View Plaza vicinity map. The proposal includes buildings three and four. The two buildings, both allow multi-tenants (up to 4 tenants but can be combined depending on the tenants need) sidewalk connections and 18% landscaping. The elevations of both buildings were shown, each building is 8000 square feet, 23 feet tall, finish materials include brick/stone, tile, and EIFS accents. The drawings provided did not meet the glazing. They proposed some material that didn't fit the MDA. The condition includes they comply with the MDA standards. Staff wanted to address using the same paving material used on the plaza corner to also be used in this area, adding seasonal potted plants, moveable tables and chairs, overhead lights, and shade umbrellas. Staff want to make sure the plaza area has amenities making them usable and desirable. Landscape plans were shown. Staff recommends approval with recommendations.

Commissioner Sickles inquired what the paving material in the plaza is? Planning Manager Spencer stated the material is honed concrete. Commissioner Fenn expressed his appreciation for all the buildings utilities being screened. Buildings like these tend to collect bins, empty boxes, and trash in the back of the buildings. Do they have something to prevent this from happening? Planning Manager Spencer noted staff is hoping that recommendation 8 will limit this. Planning Manager Maloy disclosed there are also some general standards to prevent this. The developers typically have some type of CC&R to prevent this issue.

Property owner Aaron Osmond addressed the previous question with their CC&R has the obligation to maintain a free and clear area behind and in front of their buildings built under their agreement. Commissioner Sickles pressed why they change from actual brick to the honed concrete? Aaron Osmond revealed the cost was astronomical for brick. Also, concrete is actually safer for the water element. Planning Manager Maloy reported the substitution for the concrete was approved by the City Council in the MDA. Commissioner Oberg wondered for item 5, why had they changed the specific materials? Aaron Osmond believes it's a reflection of interpretation from their developers' team versus the city staff reviews. Some of it is also the cost of the materials. Some materials were much more expensive than they had anticipated. He stressed they will be compliant with the MDA on the materials.

*Commissioner Fenn moved to approve item 4.1 **Review and consideration of final building elevations and landscape plans for two commercial buildings (on pads 3 & 4) in the Mountain View Plaza located at 5139 and 5127 W Miller Crossing Drive in the C-2 Commercial Zone. With staff recommendations 1. Provide an updated Landscape Summary Table. 2. Provide an updated parking study. 3. All electrical panels, air conditioning units, and similar utilities shall be screened. 4. Provide entrances on the east and west sides of Building 3 into the adjacent plaza areas. 5. Match materials shown on all buildings with the requirements of the MDA. 6. Update site and landscaping plans to be consistent with building elevations. 7. Paving in plaza area between buildings 3 & 4 matches paving material in corner plaza. 8. No outdoor storage of material, packaging, products is permitted. 9. The applicant amenities' the plaza area with at a minimum the following: Overhead lighting, seating and tables, shade umbrellas, and (seasonal) potted plantings. 10. Landscaping shall follow the overall approved landscape plan.***

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Absent</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>not voting.</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>not voting.</i>

The motion passed unanimously.

- 4.2. Review and consideration of a preliminary subdivision plat known as Cove at Silver Sky, located approximately at 12754 S 6200 West in the R-1-10 Residential Single-Family Zone. (Public Hearing)**
- Applicant: Scott Yermish (property owner)**
- Acres: ±11.75**
- File No: S2023-113**

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/3-20-24/Item+4.2+-+Staff+Report.pdf>

Planning Manager Spencer presented the consideration of a preliminary plat of Cove single family home development. This area was rezoned last year. The vicinity map and proposed plat map were shown. There are 28 single family homes being proposed. He drew attention to lot 17 where the small, hatched area will be used as part of a temporary turnaround. When Scott View Dr is completed, the area will go back to the lot owner as part of their yard. There are a few FEMA compliance issues that will need to be addressed as this gets through final plat approvals with engineering. It was pointed out in order for lot 7 to front on an arterial street Planning Commission would need to approve the requirement of a circular driveway. The staff’s findings include street trees to be installed at 30’ on the center and a masonry wall on Silver Sky except on lot 7. Staff recommends approval with recommendations.

Commissioner Oberg ruminated on the landscape plan for lot 7 with the circular driveway and the clear view needed how many trees would be allowed? Chair Powell deduced they can get the required tree spacing with both driveway entrances. Commissioner Sickles queried for lot 17 which one comes first the road or the house? Planning Manager Spencer communicated it could be developed prior to the road. Commissioner Anderson checked if the flood plain on the plat would be made known for future residents. Planning Manager Spencer reputed the flood plain is always shown on the mortgage title. Commissioner Ferguson inquired has there been any discussion about making lot 7 rezoned into a commercial plat. Planning Manager Spencer claimed there has not been any discussion about commercial use. Commissioner Oberg sought if there are plans to continue Mallory Lane to the south? Planning Manager Spencer disclosed he doesn’t have any plan designs for the road, but it could line up if the area develops.

Applicant Bob Elder with Priority Builders revealed originally, they had planned 5 lots facing Silver Sky Dr. They have reoriented all but one lot to move away from the arterial road facing lots. The lot 17 temporary easement is the best way to do a temporary turn around. The improvements to the lot will be made once the Silver Sky Road is connected.

Commissioner Fenn pressed if a building envelope fit on lots 17 and 7? Applicant Bob Elder divulged they have looked at how the buildings fit on both lots. There is a lot of area for lot 7 with the possibility of side garage entrance.

Commissioner Oberg made inquiries into how open the developers are to opening Lot 7 to commercial use. Applicant Bob Elder claimed the conversation with the owner hasn't taken place, so he doesn't know.

Chair Powell opened the public hearing.

Bruce Bowles representing the families that own property north and south of this area approached. He announced that currently there is an agricultural well on the property at lot 13. They have not signed off on the right-of-way to that property. They are not satisfied that proper access to the well and their concern with having a well in somebody's backyard have been addressed properly yet. Also, he is concerned where the storm water detention pond is located for this area is. He believed that should be addressed before it moves forward.

Commissioner Garcia moved to close the public hearing, Seconded by Commissioner Oberg, and all voted Aye.

Applicant Bob Elder stated, as far as the well, he knows Scott Yermish (property owner) has been working on getting that addressed. Lot 13 would have fencing around the well and allow access to the well off Silver Sky Dr. He was not privy to the full negotiations. The storm drain will have an underground storage for stormwater. A large regional basin upstream from this property is located on Parcel A. On this site, the stormwater is channeled to underground storage and detained in chambers and then released into the pipes on Silver Sky Dr. The parcel with the storage will not be developed. Using the underground storage makes parks more usable. He also pointed out the subdivision is actual 29 lots not 28. Commissioner Fenn pondered what the blocks on the south side of the of lots 8 through 17 are? Applicant Bob Elder reported that stormwater tends to drain towards Silver Sky Drive. Each of those lots have a detention retention system that is built into the lot. Chair Powell sought if the city was aware of the well issue on Lot 13. Staff Engineer Petersen reported the city is aware of the well on lot 13, but he is unaware of the details of the well or the ongoing agreements. Chair Powell remarked whoever purchased that lot would be aware of the well with its easements and fencing in the title report.

Chair Powell reviewed the conditions discussed to add to staffs' recommendations, a 5th item for a circular driveway on lot 7 and a 6th item to include the bond for lot 17. Commissioner Ferguson proffered is there a way to move lot 7 to neighborhood commercial use. Chair Powell conveyed they can only encourage the evaluation of commercial use. Commissioner Ferguson pointed out the builders are not allowed to put residential access onto an arterial road. Staff Engineer Petersen relayed the wording is the Planning Commission's decision to allow access to the arterial road is based on the recommendation of the city engineer. Commissioner Oberg pointed out the design of the lot lends itself to neighborhood commercial use. Planning Manager Maloy articulated one of the design requirements to mitigate the access issue was to allow the circular driveway. The applicant has heard your concerns and could have the conversation.

Commissioner Ferguson suggested a recommendation that lot 7 access is for commercial use only. Chair Powell countered Planning Commission cannot say commercial only and deny the residential access. Planning Manager Maloy pointed out if the commission denies arterial road access, they need a standard to why it was denied. Chair Powell divulged the lot would most likely not get commercial interest on a less than a ½ acre lot. He summarized the applicant has heard the request

but would need to go through the process for a rezone. Planning Manager Maloy aired, the ability to not have the wall and the U-shaped driveway gives it safety, making it more desirable for residential use. Chair Powell recounted the developer has moved from 5 arterial road facing lots down to just one. Commercial Oberg challenged if the Planning Commission is subject to the city engineer recommendations? Planning Manager Maloy explained they can deny the recommendation based on a finding, but the finding would need to be upheld if an appeal was sent in.

*Commissioner Rypien moved to approve item 4.2 **Review and consideration of a preliminary subdivision plat known as Cove at Silver Sky, located approximately at 12754 S 6200 West in the R-1-10 Residential Single-Family Zone. To include staff recommendations 1. Comply with remaining corrections from all City departments. 2. Comply with FEMA as per Engineering. 3. Applicant receives approval to not install six (6') foot masonry fencing along the frontage of Lot 7. 4. Include tree spacing on the typical planting plan diagram. And add 5. allow access with a circular driveway on lot 7. 6. requiring a bond to reconfigure lot 17. 7. Provide appropriate access to the easement on lot 13 for the agricultural well.***

Commissioner Garcia seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>no</i>
<i>Commissioner Heather Garcia</i>	<i>yes</i>
<i>Commissioner Brody Rypien</i>	<i>yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Absent</i>
<i>Commissioner Andrea Bradford</i>	<i>yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>not voting</i>
<i>Alternate Preston Oberg</i>	<i>no</i>
<i>Alternate Terrah Anderson</i>	<i>not voting</i>

The motion passed 4-2

5. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

- 5.1. **Review and consideration of a recommendation to amend §10-12-6 of the Herriman City Code regarding the Development Standards in the C-2 Commercial Zone to allow architectural metal panels, exceptions to secondary exterior building finish materials, clarifying requirements for pedestrian access, and updating site amenities on projects that encompass five (5) or more acres. (Public Hearing)**

Applicant: Herriman City
File Number: Z2023-071

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/3-20-24/Item+5.1+-+Staff+Report.pdf>

Planner II Sheldon Howa presented the amendment to revise ordinances pertaining to C- 2 design standards and update to current building standards. Minor and major amendments include:

10-12-6(C)(6) - Clarifying that bicycle parking shall be convenient “and permanent” in all commercial developments.

10-12-6(C)(9) – Striking “single-family and multi-family” to add “all residential” developments adjacent to drive-thru lane. Requiring site plans to show the location of drive-thru menu boards.

10-12-6(C)(13) - Increase the required architectural features on building facades 100 feet or longer, adding additional architectural features, clarifying building façade standards.

10-12-6(C)(18) – Adding a reference to lighting standards (lighting ordinance in the works).

10-12-6(D)3(c)- Exterior Lighting in the OP Zone shall not be directed skyward.

10-12-6(C)(1) - Removing the five (5) acre requirement for pedestrian connections”
Requiring a change in material or texture for all pedestrian connection.
Permit striping only if required by ADA.

10-12-6(C)(4) - Removing the ten (10) acre requirement for pedestrian amenities to five (5) acres or
Categorizing amenities:
Landscaping
Hardscaped
Aesthetics.

10-12-6(C)(14) - Restricting roofing material where the roof is visible from the right-of-way or neighboring properties.

10-12-6(C)(15(a)- Defining “Primary Materials”
Prohibiting panelized materials from being used as a primary finish.

10-12-6(C)(15(b) - Previous Discussion – May 2022
Defining “Secondary Materials”
Adding Architectural Metal Panels
Limiting Stucco to an accent feature
Defining Window and Storefront products
Stone panel shall be of cementitious construction

10-12-6(C)(15)(c) - Allowing for “Secondary Materials” to be substituted.
The primary materials exceed 60% coverage on at least two (2) elevations.
The structure’s finish materials incorporate alternate design characteristics that are equivalent to or exceed those otherwise achieved by the strict adherence to this section.
The granting of an exception will not adversely affect the established character of the surrounding structure or development.
The granting of the exception shall be complementary or essential to the overall design of the structure.
The substitute material shall be of high quality, and durability, to provide a low maintenance finish.

10-12-6(C)(13) – Clarifying the use of the same element repeated across the building’s façade shall only count as one (1) element.

10-12-6(C)(13)(a) – Removing color change as an architectural element.

10-12-6(C)(13)(h) – Entrance features shall be proportionate to the entrances and applied to all public entrances.

10-12-6(C)(15)(b) – Adding and exception for galvanized or raw finished metal paneling and corrugated or “wavy” profiles.

Based on the last work meeting staff has addressed the design standard updates requested. Staff recommends a positive recommendation for approval to the City Council.

Commissioner Powell voiced for procedural process; Commission did receive a corrected packet yesterday can we continue with this? Planning Manager Maloy reported he believes this can move forward with the changes. Commissioner Anderson sought if the City Council would have a public hearing? Chair Powell communicated they will not have a public hearing, but the public could make a comment in the meeting. There have been a lot of changes in building materials in the past 20 years. Commissioner Bradford questioned if there are colors that are prohibited. Planner Howa expressed that colors are not regulated. Planning Manager Maloy recited some of the planned developments are associated with color pallets but that are no restrictions on the general standards.

Chair Powell opened the public hearing.

No comments were offered.

Commissioner Ferguson moved to close the public hearing, Seconded by Commissioner Garcia, and all voted Aye.

Commissioner Ferguson noted this has been presented a few times, he expressed his thanks to staff for all their work. Chair Powell wanted to know if any of the developers have seen this? Planner Howa reported it has been brought up in their initial meetings, but it has not been shown to them.

Commissioner Garcia moved to forward a positive recommendation to City Council of Item 5.1 Review and consideration of a recommendation to amend §10-12-6 of the Herriman City Code regarding the Development Standards in the C-2 Commercial Zone to allow architectural metal panels, exceptions to secondary exterior building finish materials, clarifying requirements for pedestrian access, and updating site amenities on projects that encompass five (5) or more acres.

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Absent</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>not voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>not voting</i>

The motion passed unanimously.

6. Chair and Commission Comments

Commissioner Garcia advocated looking at the general plan again to see if there are changes that might benefit the city. The city could create a type of overlay tool to look at these bigger lots, to allow neighborhood commercial instead of only allowing more housing. Planning Manager Maloy expressed his appreciation for the comments. The consultant the city worked with previously helped in creating a city-wide plan. A lot of those plans were of a pretty high level with the intent to go back and look at some smaller area master plans and focus on smaller fine grade details.

Planning Manager Maloy said the city will also be working on more environmental planning. Staff is looking at a water element which is different than the water master plan which is more service focused. The state is requiring the city to create a water master plan that looks towards water conservation.

Commissioner Rypien implied the zoning aspects are creating additional steps for the developer to create one neighborhood commercial piece. He expressed wanting to add the ability to add a neighborhood mix use zone. Commissioner Oberg inferred he feels that zoning gets overly restrictive, and the city should be looking into removing some of the barriers. Commissioner Oberg scrutinized the builders/owners are not incentivized to build commercial, but the neighborhood may want the commercial. Commissioner Fenn sought at what point in the approval process does the City mention we'd like the commercial to be added. Planning Manager Maloy recounted the planning commission felt the best use of this parcel was not residential. If you are right, don't you believe the developer will come back with the commercial request if the market supports it. Part of the problem is the timing of adding these commercial lots. Even though the planning commission's obligation is to make decisions based on the standards, it doesn't mean you can't ask questions or identify when things aren't working.

Commissioner Oberg questioned what the standards are to allow access onto main roads? Is there more to the engineering standard than just safety issues? Planning Manager Maloy noted on limited access roads the standard is to prohibit residential access. In this scenario, the lot was large enough area to allow a circular driveway so, this becomes residential land use with a vehicle movement pattern similar to commercial which is deemed safe. Engineering agreed they meet the standards with this work around. There are several reasons for the standard, including safety and efficiency. But if you allow commercial the same access it takes out the safety and efficiency issues. Commissioner Fenn declared the Commission gets focused on an aspect of a project when he believes these conversation needs to happen long before these meetings. Right now, the Planning Commission has no justification for doing that. He advocated the need for a tool to be put in place to allow these kinds of recommendations.

7. Future Meetings

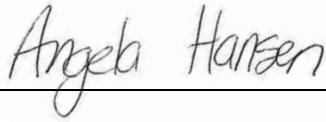
7.1. Next City Council Meeting: March 27, 2024

7.2. Next Planning Commission Meeting: April 3, 2024

8. Adjournment

Commissioner Garcia moved to adjourn the meeting at 8:25 p.m. Seconded by Commissioner Rypien and all voted aye.

I, Angela Hansen, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 20, 2024. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Angela Hansen

Deputy City Recorder