



## PLANNING COMMISSION AGENDA

**Wednesday, October 04, 2023**

**NOTICE IS HEREBY GIVEN** that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at  
**5355 WEST HERRIMAN MAIN STREET, HERRIMAN, UTAH**

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

#### **1. Commission Business**

- 1.1. Review of City Council Decisions – Michael Maloy, Planning Director
- 1.2. Review of Agenda Items – Planning Staff
- 1.3. Review and discuss draft short-term rental regulations – Michael Maloy, Planning Director

<https://www.herriman.org/uploads/files/3885/Item-1.3-Staff-Memo-Attachments.pdf>

- 1.4. Review and discuss potential amendments to the Planning Commission's administrative land use review and decision-making policy – Michael Maloy, Planning Director

<https://www.herriman.org/uploads/files/3884/Item-1.4-Staff-Memo-Attachments.pdf>

#### **2. Adjournment**

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

#### **3. Call to Order**

5355 W. Herriman Main St. • Herriman, Utah 84096  
(801) 446-5323 office • herriman.org

- 3.1. Invocation, Thought, Reading and/or Pledge of Allegiance
- 3.2. Roll Call
- 3.3. Conflicts of Interest
- 3.4. Approval of Minutes for the July 19, 2023, August 2, 2023, August 16, 2023, and September 6, 2023 Planning Commission Meetings
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. **Consideration of a Subdivision Plat Amendment for Village at the Boulders Subdivision Phase 3 located at 14853 Trap Rock Way in the R-20-43 Multi-Family Residential Zone. Applicant: Dalmatia, LLC (property owner) Acres: ±0.84 File No: S2023-123**  
  
<https://www.herriman.org/uploads/files/3886/Item-4.1-Staff-Report-Attachments.pdf>
  - 4.2. **Consideration of an Amended Conditional Use for Limestone Church at 5222 W Herriman Boulevard in the C-1 Commercial Zone. Applicant: Cody Williams, Limestone Church (authorized agent) Acres: ±2.64 File No: C2023-109**  
  
<https://www.herriman.org/uploads/files/3887/Item-4.2-Staff-Report-Attachments.pdf>
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.
6. **Chair and Commission Comments**
7. **Future Meetings**
  - 7.1. Next City Council Meeting: October 11, 2023
  - 7.2. Next Planning Commission Meeting: October 18, 2023
8. **Adjournment**

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting. ELECTRONIC PARTICIPATION: Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting. 5355 W. Herriman Main St. • Herriman, Utah 84096 (801) 446-5323 office • herriman.org

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Commission will be asked to complete a written comment form and present it to the City Recorder. In general, the chair will allow an individual three minutes to address the Commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings. I, Angela Hansen, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website [www.utah.gov/pm/index.html](http://www.utah.gov/pm/index.html) and on Herriman City's website at [www.herriman.org](http://www.herriman.org). Posted and dated this 28th day of September, 2023 Angela Hansen, Record Specialist



## PLANNING COMMISSION MINUTES

DRAFT

Wednesday, July 19, 2023

Pending Formal Approval

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, July 19, 2023, 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:** Heather Garcia, Andrea Bradford, Alternate Forest Sickles, (online) and Alternate Preston Oberg

**Commissioners Excused:** Adam Jacobson, Brody, Rypien, Darryl Fenn, Jackson Ferguson, and Alternate Terrah Anderson

**Staff Present:** Planning Director Michael Maloy, Communications Specialist Destiny Skinner, Planning Manager Clint Spencer, HPD Deputy Chief Cody Stromberg, Planner II Sheldon Howa, Planner I Laurin Hoadley, Assistant City Attorney Matt Brooks, Staff Engineer Josh Petersen, Deputy Recorder Wendy Thorpe

### 1. 6:00 PM - Work Meeting (Fort Herriman Conference Room)

Chair Powell called the meeting to order at 6:11 p.m.

**1.1. Review of City Council Decisions –** Michael Maloy, Planning Director  
Planning Director Maloy reviewed recent City Council decisions rendered.

### 1.2. Review of Agenda Items – Planning Staff

In regard to agenda item 4.1 parking situation, it was noted the City required 3 parking stalls for every 100 square feet and the applicant believed they didn't need that much parking and requested to have shared

parking with Garage Grill. The Commission discussed multi-tenant parking peak time compared to restaurant parking peak time.

The Kum and Go convenience store was highlighted. The main issue with the proposal was with the bright aluminum awning as City code only allowed specific colors. City Planner Michael Maloy indicated he had received a letter from the developer stating compliance; however, staff offered the perspective the color was not allowed, and would be asking the Commission to make the final determination. He highlighted Wiggy Wash modified their awning to comply with the agreement.

Planning Manager Clint Spencer highlighted the Laguna Point proposal as they discussed the fire access concerns.

Planning Manager Spencer reviewed the four Olympia subdivision proposals.

### **1.3. Discussion of Accessory Dwelling Unit Development Standards – Michael Maloy, Planning Director**

Planning Director Maloy highlighted three related amendments regarding accessory structures and short-term rentals. He asked if the Commission had a preference if the items were presented together or separate. Commissioner Heather Garcia recommended all items be presented together. The Commission agreed.

## **2. Adjournment**

The Commission adjourned the work meeting by consensus at 6:54 p.m.

## **3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Powell called the meeting to order at 7:03 p.m.

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

Ms. Floresa Thurston led the audience in the Pledge of Allegiance.

### **3.2. Roll Call**

Full Quorum Present, Forest voting online.

### **3.3. Conflicts of Interest**

No conflicts were reported.

## **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 Consideration of a Conditional Use Permit for the Garage Plaza site plan containing one multi-tenant commercial building and one restaurant building in the Midas Crossing Retail Center Subdivision Phase 1 located at 12543 S Herriman Auto Mall Row in the C-2 Commercial Zone with Zoning Conditions (ZC)**

**Applicant: Steve Pruitt AFP HGP (property owner)**

**Acres: ±1.41**

**File No: C2023-068**

Planner II Sheldon Howa presented the request for a conditional use permit for the Garage Plaza site plan. The proposed development was situated within the Midas Crossing retail phase one, specifically on Lot 104. The proposal consisted of an approximately 7,000 square-foot multi-tenant structure, along with the addition of Toscano's restaurant, which was approximately 5,000 square feet. Planner II Howa clarified the multi-tenant building was about 22 feet tall, while Toscano's restaurant was closer to 32 feet in height, with 53 parking stalls. The materials to be used in construction adhered to C-2 design standards, incorporating 60-percent brick or stone on all facades, along with some stucco and glazing. An accent band made of metal, not typically permitted for commercial buildings, was considered as an accent strip. Regarding landscaping, the plan met the minimum requirements for 15-percent of the overall site and five percent of the parking lot.

Planner II Howa highlighted some concerns and issues, including parking. While the multi-tenant part of the project met the required 30 parking stalls, the restaurant required 120, which was deemed excessive. Based on a parking study provided by the applicant, it was found that peak times would require 86 parking stalls, and off-peak times would need 83. The applicant proposed 83 parking stalls, which staff supported. Staff recommended adding a pedestrian connection between Lots 104 and 101, for convenience. Planner II Howa highlighted the landscaping issue relating to the 15- landscape buffer which abutted Herriman Auto Row which required a two-foot berm. Staff recommended approval with conditions.

The Commission raised questions about the proposed pedestrian crossing and potential parking issues if both areas reached maximum capacity. The alignment of pedestrian access was discussed, which could result in the loss of a parking stall. The possibility of customers parking on Auto Row or accessing nearby lots was mentioned. Applicant Steve Pruitt mentioned an accessible pathway from Auto Mall Drive to the Garage Grill and a recorded operating and easement agreement for reciprocal parking on lots fronting 12600 South.

*Commissioner Garcia moved to approve item 4.1 Consideration of a Conditional Use Permit for the Garage Plaza site plan containing one multi-tenant commercial building and one restaurant building in the Midas Crossing Retail Center Subdivision Phase 1 located at 12543 S Herriman Auto Mall Row in the C-2 Commercial Zone with Zoning Conditions (ZC) with the following conditions:  
the following requirements:*

1. *Receive and agree to all recommendations from other agencies.*
2. *All trash enclosures must be constructed with materials and colors matching the primary building as outlined in 10-23-13 of City Code.*
3. *Install a two foot landscaping berm within landscape buffers less than twenty feet along Herriman Auto Drive as per City Code 10-23-4(D)(2).*
4. *Provide a pedestrian crossing that connects the sidewalk in front of the proposed restaurant (Toscano's) to the adjacent parking lot (Garage Grill).*
5. *All landscaping must comply with Herriman City's Water Efficiency Standards.*
6. *No signs are approved with this request.*

*Commissioner Forest Sickles seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Darryl Fenn</i>	<i>Not present</i>
<i>Commissioner Jackson Ferguson</i>	<i>Not present</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Not present</i>
<i>Commissioner Adam Jacobson</i>	<i>Not present</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes (online)</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not present</i>

*The motion passed unanimously.*

**4.2 Consideration of a Conditional Use Permit for a Kum & Go Convenience Store and Site Plan at 11918 S Mustang Trail Way in the C-2 Commercial Zone**  
**Applicant: Taylor Smith, Galloway & Co (authorized agent)**  
**Acres: ±1.32**  
**File No: C2023-016**

Planning Manager Spencer presented the request for a conditional use permit and explained the applicant was requesting approval of a Conditional Use Permit to construct a new convenience store in the Teton Commercial development with the following features:

- 3,959 square foot building
- 90' x 49' gas canopy with six (6) pumps
- 21 parking stalls to accommodate the required parking
- 21% of the site in landscaping

The proposed building was 23 feet tall and would be finished primarily with three types of brick veneer and metal accents. The east side of the gas canopy would be finished with a silver metallic aluminum trim. The rear elevation of the main building, facing easterly to the private road, would feature a covered pedestrian entrance along with several windows. The site also included pedestrian connections from Mustang Trail



Way to the convenience store. Vehicular access would be from the private road within the development. A bicycle rack would be provided on the northeast side of the site. It was noted 21-percent of the site would be landscaped with street trees being installed along Mustang Trail Way. Manager Spencer indicated all other requirements outlined in the Master Development Agreement had been fulfilled. The Commission discussed the color scheme throughout the project area. Developer John Gust relayed his support for the color exception for this national brand tenant in the development.

*Commissioner Garcia moved to approve item 4.2 Consideration of a Conditional Use Permit for a Kum & Go Convenience Store and Site Plan at 11918 S Mustang Trail Way in the C-2 Commercial Zone. with the following requirements:*

1. *Receive and agree to all remaining corrections from City departments.*
2. *~~Match the colors approved as part of the MDA.~~*
3. *The applicant shall install solid opaque metal gates on the trash enclosure.*
4. *No signs are approved with this request*

*Commissioner Bradford seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Darryl Fenn</i>	<i>Not present</i>
<i>Commissioner Jackson Ferguson</i>	<i>Not present</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Not present</i>
<i>Commissioner Adam Jacobson</i>	<i>Not present</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>No (online)</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not present</i>

*The motion passed with a vote of 3:1*

**4.3 Consideration of a Preliminary Plat for Laguna Pointe Subdivision at 14860 S Juniper Crest Road in the R-1-15 Residential Zone with Zoning Conditions (ZC). (Public Hearing)**  
**Applicant: Laguna Investment Co, LLC (Owner)**  
**Acres: ±40.71**  
**File No: S2023-044**

Planning Manager Spencer presented the request for a Preliminary Plat proposal which included 68 residential lots in the R-1-15 Residential Zone and a density of 1.67 units per acre. The project would be accessible from Juniper Crest Road and Bartlett Drive. The proposal anticipated future road connections with Lashley Circle and Helens Drive. Due to the topography of the area, vehicle access would be difficult. He offered an overview of the public notice efforts and meeting history. The proposed preliminary



subdivision was a separate land use application which must be reviewed and determination of compliance with the applicable City Codes and development standards.

Chair Powell opened the public hearing.

No comments were offered.

*Commissioner Garcia moved to close the public hearing. Commissioner Bradford seconded and all voted aye.*

Planning Manager Spencer reported highlighted the larger lots and the geotechnical report submitted to the City. The open space would be natural vegetation. There would be an asphalt path constructed next to the lots abutting Juniper Crest Road.

*Commissioner Oberg moved to approve item 4.3. Consideration of a Preliminary Plat for Laguna Pointe Subdivision at 14860 S Juniper Crest Road in the R-1-15 Residential Zone with Zoning Conditions with the following requirements:*

- 1. Receive and agree to the remaining corrections from all City departments.*
- 2. The applicant shall work with the Fire Marshall for approval on the 2 vehicular access points from an existing public street (or streets) that comply with all applicable codes for emergency vehicle access in order to construct more than thirty (30) lots on the subject property.*
- 3. All frontage along Juniper Crest along lots 101-107 and including detention basin shall have an 8 foot asphalt path and 8 foot precast wall constructed.*

*Commissioner Sickles seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously.*

**4.4 Consideration of a Preliminary Plat for the 6400 West Street Dedication Plat at 6400 West 12600 South in the Large Project Master Plan Community (LPMPC) known as Olympia. (Public Hearing)****Applicant: Olympia LLC (Owner)****Acres: ±11.31****File No: S2022-171**

Planning Manager Spencer presented the request preliminary plat for 6400 West Street located within the Olympia development. This proposal was one of four subdivisions which were required to obtain Planning Commission approval as per requirements of the Olympia Master Development Agreement (MDA). The property included in the dedication plat was currently vacant, and no residential units were included. A large 7.46-acre public park was being provided to the City. Improvements to the park would be installed later. The roadway dedication extended 6400 West south to a large round-a-bout connecting to Olympia Park Blvd. The roadway connection from Herriman Blvd would be the responsibility of the City to install, but the developer for Olympia was responsible for all improvements behind the curb of 6400 West on both sides of the street. The construction of 6400 West provided access to Great Basin, Mt Rainier, and Kings Canyon subdivisions. The design of the round-a-bout featured pedestrian islands to help promote safer crossings across the larger street sections and would be landscaped with several trees, shrubs, and native seed mix, as are the park strips and areas behind the paved trails. Both sides of 6400 West would include at least 8-foot paved trails and park strips along the street. The plat also included property access which extended from Herriman Blvd southward to the east side of the existing Creek Ridge subdivision to where the future roadway: Olympia Blvd, was proposed to be constructed, then head east and tied into 6400 West which will be the first project constructed in Olympia. The construction and property access would provide additional access for the Joshua Tree subdivision and help keep construction traffic off existing local roads.

Kurt Young with the development team expressed his appreciation to staff and relayed his excitement to start the project.

Chair Powell opened the public hearing.

No comments were offered.

*Commissioner Garcia moved to close the public hearing. Commissioner Bradford seconded and all voted aye.*

*Commissioner Oberg moved to approve item 4.4. Consideration a Preliminary Plat for the 6400 West Street Dedication Plat at 6400 West 12600 South in the Large Project Master Plan Community (LPMPC) known as Olympia with the following requirements:*

- 1. Receive all remaining corrections.*

2. *Work with staff on the design of the proposed park.*
3. *Extend the proposed dedication to include all public trails, and sidewalks in the development area shown.*
4. *Note that no stone in the park strip may be smaller than 1-1/2" inches.*

*Commissioner Garcia seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously.*

#### **4.5 Consideration of a Preliminary Plat for Great Basin at Olympia Phase 2A at 12700 South 6400 West in the Large Project Master Plan Community (LPMPC) known as Olympia (Public Hearing)**

**Applicant: Olympia LLC (Owner)**

**Acres: ±3.38**

**File No: S2022-179**

Planning Manager Spencer presented the request for a Preliminary Plat which was similar to the previous discussion item. He highlighted the proposed preliminary subdivision plat with twenty-two residential lots, with a minimum width of 50' and an average lot size of 0.14 acres. The density in the proposed development would be six units per acre. Planner Howa reviewed the ingress and egress of the development.

Chair Powell opened the public hearing.

Samantha Gonzales asked if the development would have a precast wall or fence installed in the development.

*Commissioner Garcia moved to close the public hearing. Commissioner Oberg seconded and all voted aye.*

It was noted a continuous wall would be installed and if necessary, the developer would reach out to existing property owners; however, a precast wall was not required between residential areas.

Commissioner Oberg wondered what residents would want and was delighted to see the abundance of trees. Planning Manager Spencer relayed this development fell within the required density.

*Commissioner Garcia moved to approve item 4.5. Consideration a Preliminary Plat for Great Basin at Olympia Phase 2A at 12700 South 6400 West in the Large Project Master Plan Community (LPMPC) known as Olympia with the following requirements:*

- 1. Resolve all remaining corrections.*
- 2. Dedicate 6400 West & Great Basin Phase 1 at/before recording plat.*
- 3. Stones in park strip limited to 1.5" min.*

*Commissioner Sickles seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously*

**4.6 Consideration of a Preliminary Plat for Kings Canyon at Olympia Phase 1 at 6700 West 12650 South in the Large Project Master Plan Community (LPMPC) known as Olympia (Public Hearing)**

**Applicant: Olympia LLC (Owner)**

**Acres: ±9.74**

**File No: S2023-020**

Planning Manager Spencer presented the request for a Preliminary Plat which was similar to the previous discussion items. The proposed subdivision included 52 lots for detached single-family homes, and nine attached townhome units. Access to the subdivision would be through 6400 West, which would be dedicated with the recording of the Olympia Backbone Dedication Plat, and Oceanside Drive. The overall density for this project was 6.26 units per acre. The average lot size would be 4,612 square feet with the smallest lot being 4,191 square feet and the largest being 6,247 square feet. Every lot within the development would maintain at least 48 feet of frontage. The landscaping for the proposal would meet the requirements set forth in the development agreement.

Chair Powell opened the public hearing.

Randy Smith thought the development was needed. He expressed concern about Oceanside Drive access and relayed his belief taller structures should have a larger setback. He asked the developer to leave space in the backyards and be a good neighbor to the existing homeowners.

*Commissioner Bradford moved to close the public hearing. Commissioner Garcia seconded and all voted aye.*

Planning Manager Spencer expressed appreciation for the comment offered. The setbacks for the development were established by the previously approved Master Development Agreement. City Planner Maloy interjected it would be difficult to transition as the lot depth was 92 feet deep. Commissioner Garcia suggested a good neighbor clause should be considered in the agreements.

*Commissioner Garcia moved to approve item 4.6. Consideration a Preliminary Plat for Kings Canyon at Olympia Phase 1 at 6700 West 12650 South in the Large Project Master Plan Community (LPMPC) known as Olympia with the following requirements:*

- 1. Resolve all remaining corrections.*
- 2. Dedicate/record 6400 West before recording plat.*
- 3. Work with staff to update Master plans.*
- 4. Stones in park strip limited to 1.5" min.*

*Commissioner Oberg seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously*

#### **4.7 Consideration of a Preliminary Plat for Joshua Tree at Olympia Phase 1,2, and 3 at 12600 South 6700 West in the Large Project Master Plan Community (LPMPC) known as Olympia (Public Hearing)**

**Applicant: Olympia LLC (Owner)**



**Acres: ±17.72****File No: S2023-001**

Planning Manager Spencer presented the request for a Preliminary Plat which was similar to the previous discussion items. The proposed subdivision included 55 single-family detached units, and 155 attached units. The attached units included townhomes and stacked flats. The detached single-family lots were 2,870 square feet, on average. The size of lots for attached housing ranged from 579 square feet to 1,210 square feet which brought the overall density of the proposal to 12 units per acre. All units would have two parking spaces and street parking was allowed. There were five acres of open space included with the plats which was 28-percent of the overall area. A large portion of the open space included a 1.2-acre park located centrally within the subdivision. The park would include a trail system, playground and pavilion area, turf grass, and a parking lot for 20 vehicles. Landscaping would be provided with street trees in the park strips as development takes place in the single-family residential area. Additional landscaping was proposed in the common areas around the townhome units and the proposed park.

Chair Powell opened the public hearing.

No comments were offered.

*Commissioner Oberg moved to close the public hearing. Commissioner Garcia seconded and all voted aye.*

*Commissioner Garcia moved to approve item 4.7. Consideration a Preliminary Plat for Joshua Tree at Olympia Phase 1, 2, and 3 at 12600 South 6700 West in the Large Project Master Plan Community (LPMPC) known as Olympia with the following requirements:*

- 1. Resolve all remaining corrections.*
- 2. Dedicate/record 6400 West & Kings Canyon plats at/before recording plat*
- 3. Work with staff to update Land Use plan.*
- 4. Work that no stone in the park strip may be smaller than 1-1/2" inches. 5. Ensure that fifty (50%) percent of the landscaping is covered with live growth.*

*Commissioner Oberg seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Darryl Fenn</i>	<i>Not present</i>
<i>Commissioner Jackson Ferguson</i>	<i>Not present</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Not present</i>
<i>Commissioner Adam Jacobson</i>	<i>Not present</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>

Alternate Terrah Anderson

Not present

*The motion passed unanimously.*

## **5. Chair and Commission Comments**

## **6. Future Meetings**

Next Planning Commission Meeting: Wednesday, August 2, 2023

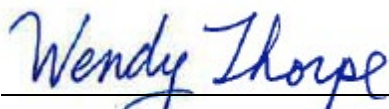
Next City Council Meeting: August 9, 2023

Next Planning Commission Meeting: August 16, 2023

## **7. Adjournment**

*Commissioner Garcia moved to adjourn the meeting at 8:46 p.m. Commissioner Sickles seconded, and all voted aye.*

*I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 19, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



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Wendy Thorpe, CMC  
Deputy City Recorder





## PLANNING COMMISSION MINUTES

**DRAFT**

**Wednesday, August 16, 2023**

**Pending Formal Approval**

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, August 16, 2023, 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:** Darryl Fenn, Adam Jacobson, Jackson Ferguson, Andrea Bradford, Brody Rypien, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

**Commissioners Excused:** Heather Garcia

**Staff Present:** Communications Specialist Mitch Davis, Planning Director Michael Maloy, Planning Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, and Planner I Laurin Hoadley

### **1. 6:00 PM - Work Meeting (Fort Herriman Conference Room)**

Chair Andy Powell called the meeting to order at 6:07 p.m.

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

City Planner Maloy reported no land use items were discussed during the previous City Council meeting.

#### **1.2. Review of Agenda Items – Planning Staff**

Planner Howa explained the first three items on the agenda removed Public Utility Easements reducing drainage by two feet, due to topography.

The Commission discussed the recreational vehicle storage item. It was noted tractor trailers were covered under commercial vehicle parking regulations, not recreational vehicle storage as the City did not want to punish businesses. Commissioner Jacobson suggested an ordinance should be considered to protect commercial vehicle maintenance vehicle parking as some areas were not covered by an HOA. Discussion ensued regarding horse trailers and hay wagons being considered agricultural, not residential. Planning Manager Spencer explained staff was trying to balance the effect storage has on neighborhoods, and suggested if property owners have over an acre of property, an agricultural structure could be constructed. City Planner Maloy reviewed the public purpose of zoning and implications. The Commission concluded with the discussion of temporary occupancy in a recreational vehicle when constructing a home in the community.

### **1.3. Land Use training and discussion – Michael Maloy, Planning Director**

City Planner Maloy conducted land use training for the Planning Commission in attendance.

## **2. Adjournment**

The Commission adjourned the work meeting by consensus at 7:01 p.m.

## **3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Andy Powell called the meeting to order at 7:06 p.m.

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

Carrie Self led the audience in the Pledge of Allegiance

### **3.2. Roll Call**

Full Quorum Present.

### **3.3. Conflicts of Interest**

No conflicts were reported.

## **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 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 2 Subdivision located approximately at 12067 S Teton Range Drive in the R-2-10 (Residential) Zone**  
**Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)**  
**Acres: ±5.30**  
**File No: S2023-092**

Planner II Sheldon Howa presented the requests for items 4.1, 4.2 and 4.3 together. The plats for Jackson Phase 4A, Teton Village Phase 2, and Teton Village Phase 4 were approved by the Planning Commission January 2019 which had public utility easements recorded on all sides of the lots. The applicant has requested to reduce side and rear yard easements due to the narrow width of the lots and housing products offered by the builder, most of the homes constructed would have window wells which encroach into the easements. The applicant has been working with the Engineering Department to alleviate concerns. Planner Howa explained drainage problems were often created by residents altering the grade on the property. Commissioner Rypien relayed his concern about the drainage and Commissioner Jacobson interjected the drainage would be under the purview of the City Engineer, not the Planning Commission.

Applicant representative Thomas Spencer expressed appreciation to the Planning Commission. He recognized the amount of work getting encroachment permits for each home and assured the commission the development would continue to work closely with the Engineering Department to alleviate drainage concerns. Commissioner Fenn recognized the need to look at the size of homes and lots to address this problem in the future.

*Commissioner Jacobson moved to approve item 4.1 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 2 Subdivision located approximately at 12067 S Teton Range Drive in the R-2-10 (Residential) Zone with the following conditions:*

- 1. Receive and agree to the recommendations from other City departments.*

*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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 4 Subdivision located approximately at 11987 S Snake River Drive in the R-2-10 (Residential) Zone**

**Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)**

**Acres: ±5.41**

**File No: S2023-093**

This item presented with item 4.1.

*Commissioner Jacobson moved to approve item 4.2 consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 4 Subdivision located approximately at 11987 S Snake River Drive in the R-2-10 (Residential) Zone with staff recommendations:*

- 1. Receive and agree to the recommendations from other City departments.*

*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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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.*

**4.3 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Jackson Phase 4A Subdivision located approximately at 6268 W Signal Crest Way in the R-2-10 (Residential) Zone**

**Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)**

**Acres: ±6.76**

**File No: S2023-091**

This item presented concurrently with item 4.1.

*Commissioner Jacobson moved to approve item 4.3 Consideration of request to reduce public utility easements within the rear and side yards of residential lots in the Jackson Phase 4A Subdivision located approximately at 6268 W Signal Crest Way in the R-2-10 (Residential) Zone with the following conditions:*

- 1. Receive and agree to the recommendations from other City departments.*

*Commissioner Oberg 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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>
<i>The motion passed unanimously.</i>	

**4.4 Consideration of a Special Exception to reduce the rear yard setback of an accessory structure on an irregularly shaped lot located at 7223 W Ansel Avenue in the R-1-10 Residential Zone**

**Applicant: Jeffery Cluff (property owner)**

**Acres: ±0.46**

**File No: P2023-077**

Planner II Howa presented the proposed special exception to reduce the rear yard setback of an accessory structure for an irregularly shaped lot. He presented elevations for the proposed garage and highlighted the reduction to six-foot rear yard setback.

Applicant Jeffery Cluff stated he worked closely with the neighbor being impacted the most to alleviate any concerns. He noted she was in attendance tonight if there were any questions.

Commissioner Rypien suggested the lot was not irregular as every cul-de-sac had similar layouts. City Planner Maloy explained the ordinance defined irregular, and this fell within the description.

*Commissioner Jacobson moved to approve item 4.4 Consideration of a Special Exception to reduce the rear yard setback of an accessory structure on an irregularly shaped lot located at 7223 W Ansel Avenue in the R-1-10 Residential Zone with the following staff recommendations:*

- 1. Final plans shall comply with City Code 10-34 and all recommended conditions of approval from City departments.*
- 2. The applicant shall submit an affidavit, which will be recorded with Salt Lake County, stating that the structure will not be utilized or converted into an accessory dwelling unit (ADU).*
- 3. The accessory structure's rear elevation (south side) shall be screened from the adjacent property with a fast-growing tree species suitable for the location.*
- 4. The applicant shall secure public utility easement (PUE) waivers (where necessary) before submitting a building permit application.*

*Commissioner Fenn 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>No</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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 with a vote of 5 to 1.*

**4.5 Consideration of a Conditional Use Permit Amendment for Mountain Point Lot 104 Site Plan at 15093 S Maradona Drive in the C-2 (Commercial) Zone**

**Applicant: Jenny Tian (authorized agent)**

**Acres: ±1.51**

**File No: C2023-078**

Planner I Hoadley oriented the Commission of the location of the proposed conditional use permit amendment for a new multi-tenant building which included fast food, retail and office uses. Chair Powell identified the drive-thru configuration and confirmed engineering approval.

Applicant Jenny Tian pointed out the lot was 1.51 acres and the site would be used for a preschool. The drive-thru would be utilized for childcare drop-off.

Signage was recommended to identify each drive-thru. The Commission expressed the position to not having children cross traffic to enter the preschool. It was noted that the preschool must comply with state regulations.

*Commissioner Jacobson moved to approve item 4.5 Consideration of a Conditional Use Permit Amendment for Mountain Lot 104 Site Plan at 15093 S Maradona Drive in the C-2 (Commercial) Zone with the four staff recommendations:*

- 1. Receive and address all recommendations from other agencies.*
- 2. Provide a cross-access easement that provides access from the northern end of lot 104 to the public right-of-way along or through lots 101, 102, and/or 103 prior to the issuance of a building permit.*
- 3. Work with engineering staff to resolve minor corrections for final plans.*
- 4. No signage shall be placed on either the south or east sides of the building.*
- 5. Submit an updated photometric plan for review and approval by engineering staff.*
- 6. No signs are approved with this request.*

*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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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.*

## **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 Consideration and Recommendation to Amend the Herriman City Official Zoning Map for 0.72 Acres of Property Located at 6378 W 13100 South from R-1-15 (Residential) Zone to C-1 (Commercial) Zone (Public Hearing)**

**Applicant: Sameed Irfan (property owner)**

**File No: Z2022-069**

Planner I Hoadley presented the proposed rezone in anticipation of future commercial being located on this site. Staff recommended a zoning condition be placed on the property to restrict the following uses, recycling collection point, gasoline service station, parking lot, transportation service, and vehicle repair.

Applicant Sameed Irfan stated he would like to have a neighborhood business at the location and informed the Commission a neighbor reached out about having a salon at the location. He hoped to be able to have four to six tenant spaces.

Chair Powell opened the public hearing.

No comments were offered.

*Commissioner Jacobson moved to close the public hearing. Commissioner Ferguson seconded, and all voted aye.*



*Commissioner Oberg moved to forward a positive recommendation of approval to City Council of item 5.1 consideration and recommendation to amend the Herriman City Official Zoning Map for 0.72 Acres of Property Located at 6378 W 13100 South from R-1-15 (Residential) Zone to C-1 (Commercial) Zone, with the with the following conditions:*

1. *A zoning condition be placed on the property to restrict the following uses:*
  - a. *Resource recycling collection point*
  - b. *Gasoline service station*
  - c. *Parking lot*
  - d. *Transportation service*
  - e. *Vehicle repair, limited*
    - i. *Exception: Window tinting allowed as a Conditional Use*

*Commissioner Jacobson 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Commissioner Terrah Anderson</i>	<i>Not Voting</i>
<i>Alternate Commissioner Preston Oberg</i>	<i>Yes</i>

*The motion passed unanimously.*

## **5.2 Consideration of a recommendation to amend Title 10 of Herriman City Code to Regulate Recreational and Accessory Vehicle Storage (Public Hearing)**

**Applicant: Herriman City**

**File No: Z2023-071**

Planning Manager Spencer indicated staff prepared several minor text amendments to the land development code to clarify regulatory intent, correct unintended conflicting provisions, and address non-substantive technical errors. He explained recreational vehicle storage had become more of an issue in the community and it was apparent an amendment was warranted in order to have a noticeable impact.

Manager Spencer recalled the previous meetings where potential aspects of the proposed ordinance amendment had been discussed. The proposed amendment included:

- Addresses both recreational and utility vehicles (accessory vehicles)
- Defining what is and is not an RV

- Establishing consistent standards for all single-family properties in the Residential, Agricultural, and Forest Recreational zones
- RV and accessory vehicle storage is only allowed as an accessory use. Lots must have primary use on the property first
- Limits the number of utility and recreational vehicles can be placed on a lot based on lot size
- Requires screening of RVs from adjacent homes
- Includes provisions to address access for new or widening driveways o Specifies paving materials for storage and driveway access
- Limits RV storage to behind the front of homes
- Allows occupancy of RVs when on a lot with single-family construction
- Grants residents one year from ordinance adoption to come into compliance

Commissioner Oberg suggested screening should be vinyl fencing or other solid material.

Chair Powell opened the public hearing.

Kathleen Bybee submitted an electronic comment indicating if Herriman passed the amendments as proposed, the City is advertising to everyone along the Wasatch Front that they're welcome to store their RVs in our neighborhoods. While the purpose of the proposals is to prevent the unsafe and unsightly storage of RVs in Herriman, what it effectively does is give the green light to anyone who wants to turn their yard into a small commercial RV parking lot. As the broader valley builds out, Herriman will become a magnet for anyone who loves their outdoor adventures but doesn't have a yard or doesn't want RVs in their own neighborhoods. You can be sure the demand for parking will be there. And Herriman will provide the supply. Herriman will become a dumping ground for RVs from cities that are willing to protect the appearance and property values of their own residents. Two decisions create this problem. First, the decision to ignore who is allowed to store RVs in Herriman yards, and second, the decision to allow as many as five RVs on a single lot. One might hope that limiting RVs to two of each type would prevent the problem, but it does not. For example, two Class A motorhomes, two large fifth wheelers, and one "toy hauler" (another motorhome or fifth wheeler that also has a toy garage) would be able to rent space on a small lot under the proposed amendment. This is exactly the type of eyesore the regulation is attempting to prevent. Even with a six-foot fence, more than 1,000 square feet of glinting aluminum would be visible from neighboring yards or streets. Now multiply that across Herriman. Such parking rentals cross the line into Industrial activity under the Herriman Municipal Code. They become "Recreational Vehicle Storage Yards" that are prohibited in Agricultural and Residential Zones under Chapter 10-16 Table of Uses in the Code. They are also unlicensed business or commercial activity. Most of our neighboring cities do not allow this. For example, Draper and South Jordan don't allow rental of RV storage in people's yards and they actively enforce that regulation. It has been suggested that renting space to unrelated parties should be allowed because it's too difficult to prove that RVs in yards do not belong to friends or family. The solution is not to open up parking to anyone from anywhere. The best longterm solution is to limit RV storage to the legal

occupants of the property. If the City turns a blind eye to important regulation just because it becomes inconvenient to enforce, the City is not acting in the best interests of its residents. Consider the distribution of the burden. Commercial RV storage provides a small marginal convenience to a number of RV owners at a distance. But look at who bears the disproportionately large negative impact. The hapless next-door neighbor tries to enjoy a barbeque with a series of 13 ½ foot high walls of white aluminum next to him reflecting the sunset into his backyard. Regarding the limit on number and types of RVs stored, the current proposal is inadequate. One effective way to lessen the impact of RV storage would be to simply decrease the allowed number of RVs. (One or two is a common number allowed in other jurisdictions, where RVs are even allowed.) However, an approach that would both be effective and give more flexibility to homeowners would be to limit the number of larger types of RVs -- perhaps allow one RV that includes living quarters such as a motorhome or trailer - while allowing four smaller types to maintain the overall limit of five. Another issue that affects the appearance of RV storage is setback from fences. If multiple RVs as tall as 13' 6" are lined along a property line, a 6' fence is woefully inadequate mitigation of the impact on neighbors. Either a setback or limit on height of RV would provide some relief. Draper, for example, requires a setback. An additional item to consider is the standard of maintenance for RVs. RVs are notorious for quick deterioration without adequate maintenance. Nothing in the proposed amendments would prevent deteriorating RVs from across the valley from looming over Herriman yards through the coming years. Two smaller issues should also be addressed. First, the proposed language in the amendment lists examples of type of RV as a "travel trailer, toy hauler, boat on trailer, etc." The inclusion of "toy hauler" is a source of significant ambiguity because a toy hauler is a subset across various types of RVs. (See <https://www.thorindustries.com/rv-types/toy-hauler> "Available as Class A, Class C, travel trailers, or fifth wheels, toy haulers give you a place to live and a place for your toys.") Second, the proposed amendments provide one year for residents to be in compliance. This time period makes sense for capital improvements, but the number of RVs in storage can easily be reduced to meet the requirement within a few months; six months would be more than adequate. Finally, let me share the reason I care about this issue. My house on 7300 South is surrounded by vehicles. Quite literally. From my back window I can see as many as eight large RVs lined up along my property line to the north. On the lot to the east, another eight large RVs are stored. While it's a different issue, I'll just mention that to the south I see more than 20 non-working junk vehicles sitting on an empty lot. That's my Herriman.

*Commissioner Jacobson moved to close the public hearing. Commissioner Oberg seconded and all voted aye.*

Commissioner Oberg opined that ownership of a recreational vehicle was not relevant if the property was in compliance. Commissioner Jacobson noted the city needed to work on mitigation efforts. It was also discussed to allow exceptions for narrow, deep lots being behind fencing. Chair Powell agreed with the variance option. City Planner Maloy expressed appreciation to the Planning Commission for their continued discussion relating to recreational vehicle storage.

*Commissioner Jacobson moved to forward a positive recommendation to City Council of item 5.2 Consideration of a recommendation to amend Title 10 of Herriman City Code to regulate recreational vehicle storage and accessory vehicle storage. Commissioner Oberg 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Commissioner Terrah Anderson</i>	<i>Not Voting</i>
<i>Alternate Commissioner Preston Oberg</i>	<i>Yes</i>

*The motion passed unanimously.*

## **6. Chair and Commission Comments**

Commissioners Adam Jacobson, Andy Powell, and Jackson Furguson noted they would not be in attendance at the next joint City Council/Planning Commission meeting. City Planner Maloy informed the Commission he would be sending out information relating to the fall conference, and asked if members would let him know if there was a desire to attend the training.

## **7. Future Meetings**

Wednesday, August 23, 2023 – City Council Meeting

Wednesday, August 30, 2023 – Joint City Council/Planning Commission Meeting

Wednesday, September 6, 2023 – Planning Commission Meeting

## **8. Adjournment**

*Commissioner Fenn moved to adjourn the meeting at 8:10 p.m. and all voted aye.*

*I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 16, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*

*Wendy Thorpe*

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*Wendy Thorpe, CMC*  
*Deputy City Recorder*

DRAFT



## PLANNING COMMISSION MINUTES

DRAFT

Wednesday, September 6, 2023

Pending Formal Approval

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, August 16, 2023, 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 Protempore Andrea Bradford

**Commissioners Present:** Darryl Fenn, Adam Jacobson, Brody Rypien, Alternate Terrah Anderson, and Alternate Preston Oberg

**Commissioners Excused:** Heather Garcia, Andy Powell, Alternate Forest Sickles and Jackson Ferguson.

**Staff Present:** Communications Specialist Mitch Davis, Planning Director Michael Maloy, Planning Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, and Planner I Laurin Hoadley

### 1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room)

*Commissioner Jacobson moved to nominate Andrea Bradford as the Chair Pro Tempore for tonight's meeting. Commissioner Oberg seconded, and all voted aye.*

Chair Pro Tempore Andrea Bradford called the meeting to order at 6:05 p.m.

**1.1. Review of City Council Decisions** – Michael Maloy, Planning Director  
City Planner Maloy reported there were no land use decisions made during the previous Council meeting.

### **1.2. Review of Agenda Items** – Planning Staff



Planning Manager Clint Spencer reviewed the public comments for item 4.1, which was not advertised as a public hearing. Staff recommended approval.

In relation to item 4.2, the applicant requested the item be continued.

Staff touched on item 4.4 and engaged in discussion surrounding landscaping, building elevations, signage, and amenities for the project.

**1.3. Presentation and Discussion of Land Use Regulations and Development – Michael Maloy,**  
Planning Director

This item was continued to a future meeting.

**2. Adjournment**

The Commission adjourned the work meeting by consensus at 7:00 p.m.

**3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Pro Tempore Andrea Bradford called the meeting to order at 7:05 p.m.

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

Mr. Chris Roberts 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 June 21, 2023 and July 5, 2023 Planning Commission meetings**

*Commissioner Rypien moved to approve the minutes for the June 21, 2023 and July 5, 2023 Planning Commission meetings. Commissioner Jacobson 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 Consideration of a Conditional Use Permit for Extra Space Storage at 11999 S Black Powder Drive in the M-1 Manufacturing Zone.**

**Applicant: Casey Forbush, Sunrise 3, LLC (authorized agent)**

**Acres: ±10.71**



**File No: C2022-174**

Planning Manager Spencer presented the conditional use permit request to allow the applicant to construct a new storage facility for boats, recreational vehicles, and storage. He explained the previously approved master development agreement required an eight-foot masonry wall, which would not allow trees to be visible. The applicant has requested a landscaping waiver.

*Commissioner Jacobson moved to approve item 4.1 Consideration of a Conditional Use Permit for Extra Space Storage at 11999 S Black Powder Drive in the M-1 Manufacturing Zone with the following conditions:*

- 1. Comply with remaining corrections from City departments.*
- 2. Landscape waiver is limited to excluding live plant material within the fifteen (15) foot buffer on the east side of the development.*
- 3. Applicant shall install solid opaque metal gates on the trash enclosure.*
- 4. Applicant shall follow the timing requirements outlined in section 4.2 of the MDA concerning building permit issuance for storage units.*
- 5. No signs are approved with this request.*

*Commissioner Fenn 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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 Consideration of a Conditional Use Permit for a wireless communication facility and monopole installation located at 7280 W Herriman Highway in the A-1-43 Agricultural Zone**  
**Applicant: Meredith Hewett, AT&T, LLC (authorized agent)**  
**Acres: ±6.7**  
**File No: C2023-061**

This item was continued at the request of the applicant.

**4.3 Consideration of a Subdivision Plat Amendment for Overlook at Rosecrest Subdivision Phase 3 located at 14397 S Ashburn Way in the MU-2 Mixed Use Zone. (Public Hearing)**  
**Applicant: Daniel and Emi Sorenson (property owners)**

**Acres: ±0.08****File No: S2023-079**

Planner I Laurin Hoadley presented the proposed subdivision plat amendment for Overlook at Rosecrest. The development was a planned unit development containing 196 townhomes on just over 12 acres of property. The applicant has requested a plat amendment to subdivide lot 64, which contained four townhomes into four lots, one for each property owner.

Chair Pro Tempore Bradford opened the public hearing.

No comments were offered.

*Commissioner Jacobson moved to close the public hearing, Commissioner Oberg seconded, and all voted aye.*

*Commissioner Jacobson moved to approve item 4.3 Consideration of Subdivision Plat Amendment for Overlook at Rosecrest Subdivision Phase 3 located at 14397 S Ashburn Way in the MU-2 Mixed Use Zone. 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>Not Present</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Chair Pro Tempore</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Present</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Yes</i>

*The motion passed unanimously.*

#### **4.4 Consideration of a Subdivision Plat Amendment for Game Pointe Subdivision 1st Amendment at 5143 W Miller Crossing in the C-2 Commercial Zone. (Public Hearing)**

**Applicant: Aaron Osmond (property owner)**

**Acres: ±6**

**File No: S2023-082**

Planning Manager Spencer presented the proposed preliminary subdivision plat amendment for the Game Pointe Subdivision and offered a brief background of the project. The request followed a previous approval by the City Council to amend the Game Pointe Master Development Agreement. The proposed plat

included six commercial lots and parking, landscaping, drainage, as well as access to other commercial lots. All existing easements would be maintained from the initial plat.

Chair Pro Tempore Bradford opened the public hearing.

No comments were offered.

*Commissioner Jacobson moved to close the public hearing, Commissioner Oberg seconded, and all voted aye.*

*Commissioner Jacobson moved to approve item 4.4 Consideration of a Subdivision Plat Amendment for Game Pointe Subdivision 1st Amendment at 5143 W Miller Crossing in the C-2 Commercial Zone with the following staff recommendations:*

- 1. Receive and agree to the remaining corrections from all City Departments.*
- 2. The applicant shall work with staff to plan all park strip landscaping with the plat, including street trees and 50% percent live growth coverage, and install said landscaping when the public street is constructed.*

*Commissioner Terrah 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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 with a vote of 5 to 1.*

**4.5 Consideration of a Lot Line Adjustment between Lots 207 and 208 of The Reserves at Sky Ranch Subdivision Phase 2 located at 6551 W and 6567 W Sky River Circle in the A-1-10 Agricultural Zone**

**Applicant: Jacob Thorne, Thorne Land Investments (property owner)**

**Acres: ±0.28 and ±0.30**

**File No: S2023-101**

Planner II Howa presented the proposed lot line adjustment to amend the shared interior property line of lot 207 and lot 208 in The Reserves at Sky Ranch Subdivision. It was explained that the applicant owns both parcels. Staff recommended approval.

*Commissioner Jacobson moved to approve item 4.5 Consideration of a Lot Line Adjustment between Lots 207 and 208 of The Reserves at Sky Ranch Subdivision Phase 2 located at 6551 W and 6567 W Sky River Circle in the A-1-10 Agricultural Zone with staff recommendations:*

- 1. Receive and agree to the recommendations made by other City Departments.*
- 2. The final subdivision plat shall comply with City Code before recordation.*

*Commissioner Fenn 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>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</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.*

## **5. Chair and Commission Comments**

Commissioner Adam Jacobson felt lot line adjustments and condo subdivisions should not need Planning Commission approval and should be approved administratively.

## **6. Future Meetings**

Wednesday, September 13, 2023 – City Council Meeting

Wednesday, September 30, 2023 – Joint City Council/Planning Commission Meeting

Wednesday, September 6, 2023 – Planning Commission Meeting

## **7. Adjournment**

*Commissioner Jacobson moved to adjourn the meeting at 7:27 p.m. Commissioner Rypien seconded the motion, and all voted aye.*

*I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 6, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



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Wendy Thorpe, CMC  
Deputy City Recorder

DRAFT



## PLANNING COMMISSION MINUTES

**Wednesday, August 2, 2023**

**Pending Formal Approval**

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, August 2, 2023, 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:** Heather Garcia, Andrea Bradford, Alternate Forest Sickles, Adam Jacobson, Brody Rypien, Darryl Fenn, Jackson Ferguson, Alternate Terrah Anderson, and Alternate Preston Oberg

**Staff Present:** Community Development Director Blake Thomas, Communications Specialist Mitch Davis, Planner II Sheldon Howa, Planner I Laurin Hoadley, Assistant City Attorney Matt Brooks, Staff Engineer Josh Petersen, Deputy Recorder Wendy Thorpe

### **1. 6:00 PM - Work Meeting (Fort Herriman Conference Room)**

Chair Powell called the meeting to order at 6:02 p.m.

#### **1.1. Election of Planning Commission Chair and Vice-Chair for a one-year term**

*Commissioner Garcia motioned to nominate Commissioner Andy Powell as Chair for a one-year term. Commissioner Ferguson seconded the motion and all voted aye.*

*Commissioner Fenn motioned to nominate Commissioner Jackson Ferguson as Vice-Chair. Commissioner Sickles seconded the motion and all voted aye.*

#### **1.2. Review of City Council Decisions – Sheldon Howa, Planner II**

Planner Howa reported there has not been a Council meeting lately.

#### **1.3. Review of Agenda Items – Planning Staff**



Planner II Sheldon Howa asked if there were any questions on the agenda, all of tonight's items are related to the same project. Commissioner Oberg asked if the street (service road) along the side of the commercial patch will be turned into a through street. Planner Howa explained it will be landscaped and later become a trail between the residential and the development. When the council approved the MDA they approved buying the property with no improvements, only a trail to be installed by the city.

Commissioner Fenn cited the storage is zoned for M1, but it could fit in both the M1 or the C2. Planner Howa asserted the storage is only allowed in M1 per the MDA.

Planner I Hoadley there are a few subsects in the project, if the studio business park gets continued then everyone in the subdivision of that will also need to be continued.

Commissioners discussed colors and building materials included in the MDA. Consideration of the parking lot to include access to the park/trail discussed. Adding a suggestion for lot 104 and 105 to add walking access along the lot was mentioned. Recommended adding requirement to remove unused curb cut on lot 103 on 11800 South on item 4.1.

Discussion on the changes that have been added since the widening on 11800 South were announced. Item 4.4 states they must remain the owner or sell the whole thing off. They are unable to split due to the road that goes through the parcel. A better way is to say it is the road needs to have a maintenance agreement since it will be a gated road. If there is a maintenance agreement it needs to be transferable between all owners. The storage will have access off Mountain View, similar to what the Winco access is.

Item 4.5 the storage is requesting a waiver for the northern section that butts the trail, they are asking to remove the 8 ft landscape buffer due to them adding an 8ft tall precast wall, the space between the wall and the residential area with the trail is so substantial. The MDA requires a gate be installed on Black Powder Road, so it won't drain onto Mountain View. Clarification was given as to why it will be constructed as a through street if the MDA restricts it, UDOT requires the road connects but doesn't require it to be open for access.

#### **1.4. Land Use Training and Discussion – Planning Staff**

Planner Howa presented a traffic video.

## **2. Adjournment**

The Commission adjourned the work meeting by consensus at 6:56 p.m.

## **3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Powell called the meeting to order at 7:03 p.m.



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

Chase Andrizzi 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 June 7, 2023 Planning Commission Meeting**

Commissioner Garcia motioned to approve the Minutes for the June 7, 2023, 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 Consideration of a Preliminary Plat for the Studio Business Park Subdivision located approximately at 5101 W 11800 South in the C-2 Commercial Zone. (Public Hearing)**

**Applicant: Casey Forbush, Sunrise 3, LLC (authorized agent)**

**Acres: ±10.07**

**File No: S2021-057**

Planner Howa presented the request for a preliminary plat. He reviewed the detention, trail corridor and trail landscaping. Staff recommends approval with requirements.

Developer representative Chase Andrizzi spoke representing the developer. They were aware of the additional requirement and were addressing them.

Chair Powell opened the public hearing.

No comments were offered.

Commissioner Jacobson motioned to close the public hearing. Commissioner Rypien seconded and all voted aye.

Commissioner Jacobson emphasized he enjoys the green space between the residential and commercial as a good buffer.

Commissioner Jacobson to approve item 4.1 with the 6 staff recommended conditions and an additional number 7 condition regarding the curb cut removal on lot 103 on 11800 South.  
Commissioner Garcia seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford	Yes
Commissioner Darryl Fenn	Yes
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes
Commissioner Brody Rypien	Yes
Commissioner Adam Jacobson	Yes
Alternate Commissioner Forest Sickles	Not Voting
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting

The motion passed unanimously.

**4.2 Consideration of a Conditional Use Permit for the Studio Business Park site plan located approximately at 5101 W 11800 South in the C-2 Commercial Zone.**

**Applicant: Casey Forbush, Sunrise 3, LLC (authorized agent)**

**Acres: ±2.74**

**File No: C2021-058**

Planner Howa presented plans for the Studio Business Park lot 102. Plans include an 18,215 square feet office building, 33 feet tall, with 132 parking stalls. Buildings will have finished materials including brick, stucco, metal paneling and glazing. The water standards will be met for the landscape plan. The landscape plan for the detention area includes trees, native seed, and crushed rock. Staff recommends approval with conditions.

Applicant representative Andrizzi disclosed they have a letter of intent from a tenant.

Commissioner Oberg inquired if there will be access from the property to the trail that will be installed. Applicant Andrizzi specified since it is not detailed in the MDA, the removal of the chain link fence would be their preference since aesthetically it feels better to open it up and allow access.

Commissioner Rypien moved to approve item 4.2 with six staff requirements. Commissioner Jacobson seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford	Yes
Commissioner Darryl Fenn	Yes
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes

Commissioner Brody Rypien	Yes
Commissioner Adam Jacobson	Yes
Alternate Commissioner Forest Sickles	Not Voting
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting

*The motion passed unanimously.*

**4.3 Consideration of a Conditional Use Permit for a car wash known as Wiggy Wash located approximately at 5101 W 11800 South in the C-2 Commercial Zone.**

**Applicant: Tracy Knapp, Wiggy Wash (authorized agent)**

**Acres: ±1.18**

**File No: C2023-042**

Planner Laurin Hoadley presented the request for Wiggy Wash car wash. A general site map and proposed elevations were presented. The permit is for the same as previous Wiggy Washes'. The building is 4,686 square feet and approx. 26' tall. There will be 46 percent landscaping. The site plan for traffic flow presented with the loud dryers to be located on the interior toward the business park away from residential. A waiver of strict compliance requested due to shape of lot and steep side. Staff recommends with approval with 3 conditions.

Applicant Brent Wignall remarked 90 percent of water is re-used in the wash. He commented that they are excited to open a new location in Herriman. These car washes are special use building, they are not the old ugly self-serve car washes. They want to maintain their high curbside appeal on their site.

No comments from Commission.

*Commissioner Jacobson moved to approve item 4.3. with three staff recommendations.  
Commissioner Ferguson seconded the motion.*

*The vote was recorded as follows:*

Commissioner Andrea Bradford	Yes
Commissioner Darryl Fenn	Yes
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes
Commissioner Brody Rypien	Yes
Commissioner Adam Jacobson	Yes
Alternate Commissioner Forest Sickles	Not Voting
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting

*The motion passed unanimously*

**4.4 Consideration of a Preliminary Plat the Extra Space Storage Subdivision at 11999 S Black Powder Drive in the M-1 Manufacturing Zone. (Public Hearing)****Applicant: Casey Forbush, Sunrise 3, LLC (authorized agent)****Acres: ±10.71****File No: S2022-173**

Planner Howa presented plans for the studio subdivision. The right of way between the two parcels is asking for a deviation to the proposed sidewalk on one side. Staff is recommending park strips and sidewalks on both sides. Staff recommends approval with 5 recommendations. The second recommendation needs to be removed or amended to include maintenance will need to split between both owners.

Applicant representative Chase Andrizzi. Not overly concerned with the second recommendation. But agrees to make sure both parties share maintenance if ever sold.

Chair Powell opened the public hearing.

Don Perro his house backs up to the property. He expressed concern that his property value will go down. There is also another storage unit north of this location. He doesn't know why commercial is going in near residential. There is a gas transmission line going through the property, building near a high-pressure gas line is very concerning. He bought his property because of the view, and he will lose that view. He thinks the city should compensate the residents for loss of property values. He believes the storage should be built near the Maverik on a commercial street. Consequently, he is really concerned and plans to fight it. He declared it's ridiculous that the city is allowing it and surmises utility corridors should not be built upon.

Randy Williams voiced concerns about losing the view and thought nothing would be built there. She disclosed she wants to know the timing of widening 11800 south. She aired the neighborhood is already very "traffic". This build will become a nuisance to her neighborhood, as it is already difficult to get in and out of the streets. She echoed the other speakers' concerns.

Commissioner Jacobson motioned to close the public hearing. Commissioner Garcia seconded and all voted aye

Applicant representative Andrizzi informed the zoning was previously in place when the development plan was approved. A traffic study was completed with the Studio Business Park and engineering has those details. Community Development Director Blake Thomas informed 11800 south widening was more than 5 years out. Traffic is reaching low level of service during peak hours according to the survey. There is also a sewer line project coming up 11800 S in 2 years. UDOT will be adding the center section on Mountain view. This development is a one in and out onto MVC, it is not adjacent to 11800 south. Commissioner Powell informed the design contract for UDOT to add the middle section of MVC has begun with possible construction to start July 2026.

Commissioner Fenn explained the high-pressure gas line is the larger easement on the plat. Rocky Mountain and Kearn River have been notified. The buildings will not be on top of the easements. He

communicated this approval item is for the preliminary plat not the conditional use permit. The preliminary plat meets MDA requirement and the zoning.

*Commissioner Jacobson moved to approve item 4.4. with five staff recommendations. Amending requirement #2 requiring the same owner and changing it to transferable to new owner/s. Plus an additional requirement prohibiting access-requiring gate preventing access to Black Powder Dr. Gate to only be used for emergencies.*

*Commissioner Fenn seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<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>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Not Voting</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

*The motion passed unanimously*

#### **4.5 Consideration of a Preliminary Plat Conditional Use Permit for Extra Space Storage at 11999 S Black Powder Drive in the M-1 Manufacturing Zone.**

**Applicant: Casey Forbush, Sunrise 3, LLC (authorized agent)**

**Acres: ±10.71**

**File No: C2022-174**

Planner II Howa presented a site plan for indoor and outdoor storage including 115 stalls, 95,000 sq ft for indoor storage, 1,300 sq ft for office space, 8 parking stalls and 15% landscaping. The site layout and landscaping were presented. The site is fully enclosed with precast walls and use of the exterior of their buildings. The landscape buffer adjacent to residential lots was presented. The building elevations were presented. The developer is asking for a landscaping waiver of strict compliance to remove the 20 ft landscape buffer due to the trail corridor being 100 ft wide. The building materials comply with the MDA. Staff is recommending approval with conditions.

Commissioner Jacobson asked if there was any conversation to improve the landscaping inside that 100 ft landscaping to give a reason why commission would approve the landscape waiver. Planner Howa



advised no discussion regarding the issue has happened; it is what the applicant has requested. Commissioner Powell inquired how long the zoning has been in place for this site. Commissioner Jacobson specified even before the MDA approval in 2017, it has been zoned commercial for a very long time. He does not see why we would approve the landscape waiver without entertaining landscaping improvements on another side. Community Development Director Thomas disclosed to keep in mind the other side is the power corridor which has a lot of restrictions in that area. Commissioner Jacobson expressed he wants to justify the 15 feet to 0 feet to be consistent with everywhere else in the city. The city has a responsibility to maintain the 15-foot landscaping set back requirement. He's struggling to see why they don't need to meet the requirements. Commissioner Powell agreed we are allowing them to just get rid of it and not replace it with another area. It's not in the city's best interest to eliminate the requirement without any justification.

Applicant Representative Andrizzi believes per the zoning map the ownership of the 100 ft open space is considered residential but is undevelopable land that is not zoned correctly. Every other place the residential homes come in contact with this site are buffered. A waiver of strict compliance allows unique circumstances, and he believes this area qualifies. Commissioner Jacobson surmises he wants the developer to do some landscape improvements to justify 15 to 0 feet somewhere on the site. He concludes he wants to allow the developer time to have conversations with Rocky Mountain about the possibility of adding landscape on the project or the trail, wherever it makes sense to do it. This item should be continued to discuss options for justifying the waiver of strict compliance. Currently there is a benefit to the developer, but the city needs better justification or a benefit for this waiver. Commissioner Sickle argued if you think about the purpose of standard and why we ask for the landscape buffer this site does meet the intent of the requirement.

Applicant Andrizzi reviewed the waiver of strict compliance. He concludes the adverse effects mitigated by the wall and the unique 100-foot undevelopable buffer already in place met the waiver.

Commissioner Jackson argued if Rocky Mountain Power sold the adjacent property, there would be no 100 ft buffer. Commissioner Sickle recounted the intent of the buffer is being met. Commissioner Jackson doesn't want to set a precedent to waive the landscape buffer in future projects. Commissioner Rypien informed he is undecided on the waiver; he sees the developer's side but also sees why the city would not give a waiver with no justification to waive it completely instead of fulfilling the condition. Commissioner Ferguson verified zoning of the 100 ft is residential. Commissioner Oberg believes the trail is zoned residential correctly. The reason for the buffer is not to just give more space, but also to reduce the concrete heat. There is always a benefit from adding trees and landscaping. Commissioner Fenn remarked he doesn't like changing the standards without a reason.

*Commissioner Jacobson moved to continue item 4.5.*

*For developer to address reason to allow waiver of strict compliance, work with RMP.*



*Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<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>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Not Voting</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>
<i>The motion passed unanimously</i>	

#### **5. Chair and Commission Comments**

No comments were offered.

#### **6. Future Meetings**

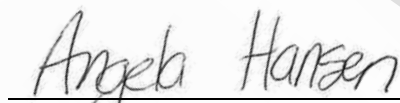
Next City Council Meeting: August 9, 2023

Next Planning Commission Meeting: August 16, 2023

#### **7. Adjournment**

*Commissioner Garcia moved to adjourn the meeting at 8:23 p.m. Commissioner Ferguson seconded, and all voted aye.*

*I, Angela Hansen, Record Specialist for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 2, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



Angela Hansen  
Record Specialist