



PLANNING COMMISSION MINUTES

Wednesday, December 20, 2023

Approved January 17, 2024

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, December 20, 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, Heather Garcia, Brody Rypien, Jackson Ferguson, Andrea Bradford, Alternate Forest Sickles, and Alternate Preston Oberg

Commissioners Excused:

Adam Jacobson and Terrah Anderson

Staff Present: Communications Specialist Destiny Skinner, Planning Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Angela Hansen, Planner I Laurin Hoadley, Community Development Director Blake Thomas

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

Chair Andy Powell called the meeting to order at 6:04 p.m.

1. Commission Business

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

Planning Manager Spencer introduced the new Deputy Recorder Hansen. City Council has approved alternates Preston Oberg and Terrah Anderson for another term year.

1.2. Review of Agenda Items – Planning Staff

Planning Manager Spencer offered a brief description of item 4.1. The developers are requesting deadline changes for two subdivisions phases by 6 months. The date June 31st will need to be fixed in the motion to June 30th. They are also seeking a change to the requirement to improve 6000 west with any recording of a plat, to require the improvement of 6000 west with phases adjacent to the road.

Planning Manager Spencer clarified for item 5.1 the state legislation is requiring subdivision ordinance changes. The requirements largely won't change how the city currently does things but will clarify in an ordinance how it is done. Be aware there are a few amendments that still need to be made. The city hired a consultant with grant money, the consultant wants to look at a few more things. The Ordinance changes need to be in front of the City Council by the middle of January.

Community Development Director Thomas described item 5.2. The hotel is asking for an amendment to build higher to allow for a 4-story building. In the last amendment for the Anthem MDA, they called the whole section Denali. They only want the amendment for the hotel site which is closer to Mountain View Corridor. The Commission can clarify the motion to the last plat recorded anthem commercial 10th recorded plat lot 1002 to restrict the amendment to only that plat lot. The site will come back to the commission again as a conditional use for the hotel.

1.3. Land Use Update, Discussion, and Training – Michael Maloy, Planning Director

Planning Manager Spencer presented a training video.

Commission and staff discussed video.

Next meeting for January 3 has one item. Planning Director Maloy wants to put together goals that the commission wants to bring for discussion for the new year.

2. Adjournment

Commissioner Oberg motioned to adjourn the meeting at 7:00pm. Seconded by Commissioner Ferguson 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**

Deputy Recorder Hansen 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 November 15, 2023 Planning Commission Meetings**

<https://www.herriman.org/uploads/files/4050/20231115PCMinutes-DRAFT.pdf>

Commissioner Garcia motioned to approve the minutes for November 15, 2023 Planning Commission Meeting. Seconded by Commissioner Fenn 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 Phased Development Plan amendment for the Mardam Ranch Subdivision comprised of forty-four (44) single-family lots located approximately at 12914 S 6100 West in the R-1-10 Single Family Residential and A-1-10 Single Family Agricultural Zones. Applicant: Daniel Balsam, Alpine Homes (authorized agent) Acres: ±19.75 File No: S2023-147**

<https://www.herriman.org/uploads/files/4051/Item-4.1-Mardam-Ranch-Sub-Amend-Staff-Report.pdf>

Planning Manager Spencer provided a presentation on the Mardam Ranch. The applicant is requesting an amendment to phase 2 extending timing to June 31, 2025 and phase 3 extending to June 31, 2026. The second request is the installation of improvements to 6000 west to be installed with phase 2 which is directly adjacent to 6000 west. Phase 1 does not impact anything on 6000 west. Staff recommends approval of the two amendments.

Commissioner Garcia moved to approve item 4.1 Consideration of a Phased Development Plan amendment for the Mardam Ranch Subdivision comprised of forty-four (44) single-family lots located approximately at 12914 S 6100 West in the R-1-10 Single Family Residential and A-1-10 Single Family with staff's recommendations and adding a correction to the dates to June 30th.

1. *All existing conditions of approval required*
2. *Phase 2 be recorded before June 31, 2025*

- 3. *Phase 3 be recorded before June 31, 2026*
- 4. *Install improvements on 6000 West when lot directly adjacent is recorded*
- 5. *If each phase is not recorded as proposed, the phasing approval will expire and the applicant will need to re-apply for preliminary plat approval under current City ordinances.*

Commissioner Preston 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>Not Present</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 Present</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 of a proposal to amend the Herriman City Title 10 Land Development Code to comply with updated subdivision review and public notice procedures required in the 2023 Utah State Municipal Land Use, Development, and Management Act. (Public Hearing)

Applicant: Herriman City

File No: Z2023-148

<https://www.herriman.org/uploads/files/4053/Item-5.1-Anthem-Com-MDA-Amend-Staff-Report.pdf>

Chair Powell recited public comment policy procedure.

Planning Manager Spencer specified the state is requiring cities to update their ordinance for subdivision review. The city hired a consultant with grant money. A lot of what Herriman already follows is within compliance of state code. The changes being made to the ordinance update anything that is not in compliance or is questionable.

Jay Springer, attorney joins online.

Attorney Springer reiterated the changes come from the state legislature's request to update this policy. Planning Director Maloy responded to a questionnaire and was awarded the grant money. The main objectives are to remove the option for the City Council to be involved in the subdivision process, including any approval of single, duplex and townhomes. The City Council can't sit on any subdivision committees. The timeline for subdivision approval begins with the initial submission of the application. The city has 15 days to establish a review. The review starts with the city making sure the application is complete. A published check list for complete application requirements is needed. If the application is complete, it then goes to the agencies for compliance verifications. This is very similar to what Herriman already does. If the city doesn't define comments on the application the new law waves any requirement the city doesn't notate. The city needs to give all departments and agencies as much time as possible. Attorney Springer advised establishing a timeline for making sure the application is complete and who is responsible for each step. The updated ordinance needs to be in front of the City Council by mid-January. The Planning Commission may vote for the preliminary approval today and have staff communicate any changes.

The Planning Commission will need to have at least one public hearing for the proposed preliminary plats. Another change is Planning Commission and City Council cannot have final approval. Final approval could be a committee, a board, or a director (at staff level).

This ordinance review is paid for by the state, it includes drafts, training, and clean up after February 1st.

Chair Powell opened the public hearing.

No comments given.

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

Commissioner Oberg queried do most application communication come through email? Community Development Director Thomas emphasized email is part of the application process already and used regularly.

Attorney Springer is relying on the engineers and staff to create the application check list. The check list can be updated without changing the ordinance. The current ordinance draft is subject to legal clean-up to make sure the terms are the same in the wording. Chair Powell requested allowing grammatical corrections but not substance change. Attorney Springer will redline anything that is changed from this point on.

Commissioner Fenn asked staff how many people have touched and reviewed this? Planning Manager Spencer identified Community Development Director Thomas, Planning Director Maloy and the City attorneys have all viewed the updates. There are no concerns from staff.

Commissioner Fenn moved to forward a positive recommendation of approval to City Council of item

5.1 Consideration of a proposal to amend the Herriman City Title 10 Land Development Code to comply with updated subdivision review and public notice procedures required in the 2023 Utah State Municipal Land Use, Development, and Management Act. With the addition of minor changes, grammatical errors, cleanup work, and legalize formatting.

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>Not Present</i>
<i>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 Present</i>

The motion passed unanimously.

5.2. Consideration of a proposal to amend the Anthem Commercial Master Development Agreement Design Guidelines to increase the maximum building height of a “Hotel/Motel” land use from 45 feet to 65 feet on property located at approximately 5600 W Denali Road in the C-2 Commercial Zone. (Public Hearing) Applicant: Cory Gust, Anthem Center LLC (property owner) File No: M2023-146
<https://www.herriman.org/uploads/files/4052/Item-5.2-Sub-Code-Amend-Staff-Report.pdf>

Community Development Director Thomas presented site plan for the requested amendment for the specific area identified as the portion of the property south of Denali Park Dr and north of Midas creek near Mountain View Corridor. The permitted height is being proposed to be changed to 65’ maximum. This would only apply to this specific lot. The current maximum allowed height is 45’.

Chair Powell opened the public hearing.

Jennifer Diaz, resident

We purchased a house just west of the area about 2 years ago. The creek is directly behind the house and is part of the reason for purchasing the house. She thinks 45 feet was set for a reason and if this is increased it will be the only thing they see out of their windows. Would rather see something of use to the residents. Doesn’t see the hotel being sold-out in this area.

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

Chair Powell stated the height restriction would be restricted to only lot 1002. Community Development Director Thomas pointed out the city has been looking for an area for a hotel for a while. This is a permitted use for the C2 area. With the Bees stadium and some other sports things coming to the area the hotel believes there will be enough desire for the use. Currently the closest hotel to Herriman is in South Jordan.

Cory Gust Applicant (online) pointed out if you look at the grade of the area down to the corridor the land changes between 50 and 80 feet. The building will be lower than 65 feet height when viewed from Herriman Main Street. The group they are contracted with also built Kiddie Academy. Commissioner Ferguson questioned if this is a single hotel or is there potential for adding more? Applicant Gust replied only the one hotel.

Commissioner Garcia inquired the height of WinCo. Community Development Director Thomas disclosed the height of WinCo is probably 35 feet. The Aspire apartments near there are close to 65 feet. He will get the exact numbers to present to the council before approval. The hotel will be 10 feet lower than the pickle ball facility due to the land grading.

Commissioner Oberg assessed the grading in the area makes it easier for him to approve the heights. Applicant Gust emphasized this is the only area in the entire project that will be this height.

Commissioner Oberg moved to forward a positive recommendation of approval to City Council of item 5.2 Consideration of a proposal to amend the Anthem Commercial Master Development Agreement Design Guidelines to increase the maximum building height of a "Hotel/Motel" land use from 45 feet to 65 feet on property located at approximately 5600 W Denali Road in the C-2 Commercial Zone. With the clarification that approval is only for the specific lot 1002.

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>Not Present</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 Present</i>

The motion passed unanimously.

6. Chair and Commission Comments

No comments

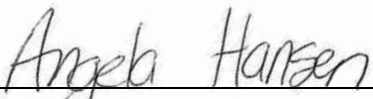
7. Future Meetings

- 7.1. Next Planning Commission Meeting: January 3, 2024
- 7.2. Next City Council Meeting: January 10, 2024
- 7.3. Next Planning Commission Meeting: January 17, 2024

8. Adjournment

Commissioner Ferguson moved to adjourn the meeting at 7:48 pm, Seconded by Commissioner Garcia 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 December 20, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Angela Hansen
Deputy City Recorder