



PLANNING COMMISSION MINUTES

Wednesday, February 07, 2024

Approved March 6, 2024

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, February 7, 2024, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

Presiding: Chair Andy Powell

Commissioners Present: Heather Garcia (online), Adam Jacobson, Andrea Bradford, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

Commissioners Excused: Brody Rypien, Darryl Fenn, Jackson Ferguson

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

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

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

1. Commission Business

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

Planning Director Maloy reported the City Council approved the subdivision ordinance text amendment. The state legislations session is voicing more changes are needed to the ordinance so changes might come again. Changes could include engineer reviews required upfront and language

to simplify the reviews for preliminary approval. Discussion on why the state would want to change the ordinance continued briefly.

Director Maloy relayed the City Council will be receiving a follow up briefing on the South Hills Amendments and the Panorama's Master Development Agreement (MDA) at next week's work meetings.

Thursday is the community meeting on the Panorama MDA, since it is a new MDA, this step is required. South Hills is only an amendment so there is no need for a meeting. Camp Williams is aware of both of the proposals for their military review. Next week's work session will be in the Council Chamber Room instead of Fort Herriman Conference Room. Commissioner Jacobson inquired if the trailer ordinance is still in the works? Director Maloy stated the city council had previously asked for more research to be done by staff, it will be presented again at the February 28th City Council work meeting.

1.2. Review of Agenda Items – Planning Staff

Planner Il Howa informed item 4.1 is a conditional use for an indoor pickle ball use. Commissioner Ferguson raised the question, Does the owner have any plans to allow public tournaments or is this for membership use only? Planner Howa provided the courts won't meet the national pickleball standards for tournaments so only member tournaments are planned. Commissioner Bradford wanted to know if the owner decided to hold a public tournament, can he do that? Planner Howa provided it's not a restriction of the condition so yes, he could hold a tournament. It was mentioned there is plenty of parking available if needed.

Planner Howa advised item 4.2 is the installation of an equipment cabinet for fiber network. Riverton City owns the property, but it is inside Herriman city. Riverton has given permission for the installation. This is not part of the broadband the City Council is looking into. The talk continued, including placement and painting of similar cabinets.

Planner Howa communicated Item 4.3 the Garcia property subdivision plat is creating a 2-lot subdivision on the 2.8-acre original parcel. The family is looking to develop the south portion of the property. They will possibly be doing a 3rd lot on the north side later. The protection strip previously on the property was dissolved by the landowners and the developer. Commissioner Bradford sought information about the submitted public comments mentioned zoning, when did the zoning change? Planner Howa supplied back in 2007 it went to planning commission but, he was unable to find additional documents of approval, he did find zoning maps as of 2015 showing the parcel as A-1. Commissioner Oberg wondered about the ownership of the gate on 13900 South? Commissioner Jacobson relayed the city owns the gate as a fire egress. Commissioner Oberg contemplated why the city wouldn't remove the gate. Commissioner Jacobson countered it would change all the transportation models, the intersections don't line up and it would be costly. Staff Engineer Petersen proclaimed it would be expensive and a lot of politics involved to remove the gate. Commissioner Bradford clarified the current zoning allows for subdividing so commission can't deny for zoning reasons. Planning Manager Spencer revealed by law we are required to have a public hearing. There have been a few times a resident has brought information that wasn't considered or known prior that might alter how the subdivision would be created, but this can't be stopped by public comments. Chair Powell summarized the public comments referenced an old subdivision plot that was denied due to the request for a rezone, this is zoned correctly and can't be denied for zoning reasons. This proposal is adding the 2 lots off Rodeo Way there will be no added traffic to 13900 south.

Director Maloy explained Item 5.1 annexation policy is a public hearing. The policy amendment needs to be presented again according to the state code and then it will go to the city council.

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

A training video was presented.

Planning Commission and staff joined in a short discussion regarding the video.

Single Family Zoning Concepts presented by Director Maloy. Perry homes has been working on possibly adding a road off Hidden Oaks Road. Opening the MDA to amend it is complicated, they want to add a circle off the road but not add it to the MDA. We don't have a zoning tool to allow for compatible lot development right now. The state changed the minimum square foot to 1000 outside of the garage. A variety of small square footage house plans shown. None of the homes shown have attached garages, they have an alley way or single wide drive approach with recessed or detached garages. Director Maloy questioned if the commission wanted to move forward in this direction and investigate what objectives need to be reviewed. Commission agreed to move forward with this idea.

2. Adjournment

Commissioner Jacobson moved to adjourn the meeting at 7:01 p.m. Seconded by Commissioner Ferguson and all voted aye.

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

Chair Powell called the meeting to order at 7:05 p.m.

3. Call to Order

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

Planner I Hoadley led the audience in the Pledge of Allegiance.

3.2. Roll Call

Full Quorum present (Heather Garcia online)

3.3. Conflicts of Interest

No conflicts were reported.

3.4. Approval of Minutes for the January 3, 2024, Planning Commission Meeting

https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/2-7-24/2024_01_03+PC+Minutes+Draft.pdf

Commissioner Oberg motioned to approve the Minutes for the January 3, 2024, Planning Commission meeting; Commissioner Bradford seconded, and all voted aye.

4. Administrative Items

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

4.1. Review and consider a Conditional Use Permit for an indoor recreational business with six (6) indoor pickleball courts in the Rockwell Landing Development located at 15892 S Rockwell Cove in the M-1 Manufacturing Zone.

Applicant: Henri Bonan, The HB Group (authorized agent)

Acres: ±2.21

File No: C2024-004

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/2-7-24/Item+4.1+Conditional+Use+for+Pickleball.pdf>

Planner II Howa presented a slideshow showing the location of the building at the Porter Rockell development. The applicant is currently leasing the entire building. He is proposing to change the type of use due to market issues. Three of the units will be used for 6 indoor pickleball courts, the other two units will remain as his wholesale company. Units 1-3 are 17,600 square feet; the entire building allows 98 parking stalls. The parking requirements are 11 stalls for wholesale and 24 stalls for pickleball. Parking stalls exceed the requirement needed. The floor plan was shown including 6 pickleball courts, a restroom, and a rest area. Staff did take into consideration that when the demising wall between the units is built, it should include sound proofing material. Staff recommends approval with conditions.

Applicant Henri Bonan expressed his hope for approval and having a great place for everyone to play pickleball.

Commissioner Jacobson moved to approve item 4.1 Review and consider a Conditional Use Permit for an indoor recreational business with six (6) indoor pickleball courts in the Rockwell Landing Development located at 15892 S Rockwell Cove in the M-1 Manufacturing Zone with staffs' recommendations 1. Receive and agree to all recommendations from other agencies. 2. Provide soundproofing within the demising walls between adjacent units. 3. No signs are approved with this request.

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Absent</i>
<i>Commissioner Jackson Ferguson</i>	<i>Absent</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Absent</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Yes</i>

The motion passed unanimously.

4.2. Review and consider a Conditional Use Permit for the installation of a fiber network equipment cabinet located at 4742 Highfield Circle in the R-2-10 Multi Family Residential Zone.

Applicant: Mont Flygare, All West Communications (authorized agent)

Acres: ±5.0

File No: C2024-010

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/2-7-24/Item+4.2+Conditional+Use+for+Fiber.pdf>

Planner II Howa presented the site map for a fiber network equipment cabinet located off Rosecrest Road. They are proposing a utility cabinet measuring 7x3x5.5 with a 9x5 pad. The parcel is owned by Riverton City, and they do have a lease agreement for the city to place it on their property. The street view shown with the cabinet location being highlighted. Staff recommends approval with conditions.

All West representative Andy Thompson advised they are installing fiber optic in many neighborhoods around town. They are hoping all the installation will be finished in the next couple of months.

Commissioner Jacobson moved to approve, item 4.2 Review and consider a Conditional Use Permit for the installation of a fiber network equipment cabinet located at 4742 Highfield Circle in the R-2-10 Multi Family Residential Zone with staff's recommendations: 1. Receive and agree to all recommendations from other agencies. 2. Utility cabinet to be finished in a neutral, low-contrast color to mitigate the cabinet's visual impact.

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Absent</i>
<i>Commissioner Jackson Ferguson</i>	<i>Absent</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Absent</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Yes</i>
<i>The motion passed unanimously</i>	

Chair Powell recited public comment policy procedure.

4.3. Review and consider a Preliminary Subdivision Plat with (2) residential lots known as Garcia Property Phase 1 Subdivision located generally at 13923 S 6400 West in the A-1-21 Single Family Agricultural Zone. (Public Hearing)

Applicant: Bill Garcia (property owner)

Acres: ±1.274
File No: S2023-156

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/2-7-24/Item+4.3+Preliminary+Subdivision.pdf>

Planner II Howa presented subject property parcel. The proposal is for a two-lot subdivision, the lots being .58 acres and the other .59 acres. This is consistent with zone A-1-21. The conditions of approval are a precast wall to be installed, the drive approach off 6400 will need to be removed and addressing the clear view on the corner for any plantings. On 6400 West Rocky Mountain Power has an easement for power transmission lines, this may restrict what plants can be installed. Staff recommends approving with conditions.

Applicant Bill Garcia Jr, son of the owner, the property is being divided for use by himself and a sister with the third lot possibly in the future for another sibling.

Chair Powell said the Commission did receive 2 comments from the public prior to the meeting that have been reviewed.

Resident Craig Atkinson lives off 13900 South. They have concerns about what phase 2 will be. The area is historically one-acre minimums. A rezone on the property happened about 15 years ago. There were caveats that they would not build anything on 13900 South and repay the Rodeo Acres guys for the road. It is his opinion that it was a mistake to approve the rezone back then. He also requested clarification on the staff recommendation item 5.

Resident Jayne Kelleher Atkinson, Craig's wife, a similar process was proposed in 2020 for a rezone. At that time, they came to the meetings, there was strong opposition against the rezone and the planning commission denied that re-zone. They understand that development is inevitable, but it seems counterproductive that every time someone wants to subdivide, they have to keep going through zone changes. They are asking the commission to stay with the zoning that was approved when they originally moved in.

Commissioner Sickles moved to close the public hearing, Seconded by Commissioner Jacobson and all voted Aye.

Chair Powell explained item 5 on the staff recommendations means the driveway on 6400 West is required to be removed so they will not have access to that road. The previously mentioned denial that happened back in 2020 was for a zoning change. This is a different situation since the zoning is already approved on this property. The Planning Commission can't look at phase 2 issues as it is not on the current application.

Commissioner Jacobson moved to approve item 4.3 Review and consider a Preliminary Subdivision Plat with (2) residential lots known as Garcia Property Phase 1 Subdivision located generally at 13923 S 6400 West in the A-1-21 Single Family Agricultural Zone. 1. Receive and agree to the recommendations from other City Departments. 2. Install a 6' precast fence along 6400 West. 3. Adjust landscaping plant to maintain the clear view at the intersection of Rodeo Way and 6400 West. 4. Lot 1 shall only have access off Rodeo Way. 5. The orphaned drive approach on 6400 West shall be removed. Also adding a 6th recommendation that this is only for this phase.

Commissioner Oberg seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn	Absent
Commissioner Jackson Ferguson	Absent
Commissioner Heather Garcia	Yes
Commissioner Brody Rypien	Absent
Commissioner Adam Jacobson	Yes
Commissioner Andrea Bradford	Yes
Alternate Commissioner Forest Sickles	Yes
Alternate Preston Oberg	Yes
Alternate Terrah Anderson	Yes

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. Review and consider a recommendation to amend the Herriman City Annexation Declaration Policy

Applicant: Herriman City – Michael Maloy, Planning Director

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/2-7-24/Item+5.1+Annexation+Declaration+Policy+Update.pdf>

Planning Director Maloy presented the annexation declaration policy amendments. There is no annexation happening currently. The current annexation map shown. The state requires every city to have a policy with a map where they potentially could get an annexation request. Generally, the petitions come from private landowners. Commission is aware of the recent annexations into South Jordan, Herriman is essentially amending and updating the map to the new proposed annexation. The requirements by state code process were shown. Once the City Council conducts their public hearing they will approve or deny the amendments. Staff recommends forwarding a positive recommendation to the Council. Commissioner Bradford asked if there were any plans for annexation on the west side of Herriman. Director Maloy explained this area is a low developing area. It would most likely be residential or agriculture but there are no intentions currently.

Commissioner Jacobson moved to close the public hearing, Seconded by Commissioner Anderson and all voted Aye.

Commissioner Jacobson moved to forward a positive recommendation of approval to City Council of item 5.1 Review and consider a recommendation to amend the Herriman City Annexation Declaration Policy.

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn	Absent
Commissioner Jackson Ferguson	Absent

<i>Commissioner Heather Garcia</i>	Yes
<i>Commissioner Brody Rypien</i>	Absent
<i>Commissioner Adam Jacobson</i>	Yes
<i>Commissioner Andrea Bradford</i>	Yes
<i>Alternate Commissioner Forest Sickles</i>	Yes
<i>Alternate Preston Oberg</i>	Yes
<i>Alternate Terrah Anderson</i>	Yes

The motion passed unanimously

6. Chair and Commission Comments

No comments were offered.

7. Future Meetings

7.1. Next City Council Meeting: February 14, 2024

7.2. Next Planning Commission Meeting: February 21, 2024

8. Adjournment

Commissioner Jacobson moved to adjourn the meeting at 7:33 p.m. Seconded by Commissioner Sickles 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 February 7, 2024. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Angela Hansen
Deputy City Recorder