

PLANNING COMMISSION MINUTES

Wednesday, March 06, 2024

Approved as Corrected April 3, 2024

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday**, **March 06**, **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: Vice Chair Jackson Ferguson

<u>Commissioners Present:</u> Darryl Fenn, Heather Garcia, Brody Rypien, Andrea Bradford, Alternate Forest Sickles, and Alternate Terrah Anderson

Commissioners Excused:

Chair Andy Powell, Adam Jacobson, and Alternate Preston Oberg

<u>Staff Present:</u> Community Development Director Blake Thomas, Communications Specialist Mitch Davis, Planning Manager Clint Spencer, Assistant City Attorney Matt Brooks, Deputy Recorder Angela Hansen, Planner II Sheldon Howa, Staff Engineer III Josh Petersen, Public Utilities Engineering Manager Jonathan Bowers, and Planner I Laurin Hoadley

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

Vice Chair Ferguson called the meeting to order at 6:05 p.m.

1. Commission Business

1.1. Review of City Council Decisions – Clint Spencer, Planning Manager

Planning Manager Spencer reported City Council was presented the RV storage ordinance again. Back in September they wanted more flexibility, to simplify the ordinance, and to remove the wording limiting the amount of one type of RV storage allowed. Staff are now looking into a



conditional use for those that want to store more than the ordinance allows. There needs to be a set of standards such as getting a business license and allowing staff on site to inspect to make sure they are not junk vehicles once a year. Staff will continue to revamp and try to get it approved.

1.2. Review of Agenda Items – Planning Staff

Item 5.1 Planner II Howa divulged two public meetings have been held for the rezone. At the first meeting only two people showed up, both were involved in the rezone. At the second meeting no one showed up. Staff did receive one phone call about fencing being put up when the subdivision was coming in. Commissioner Garcia questioned how the road fits into the back east lot of the subdivision and will it land lock the property. Planner Howa explained the road will come through in the subdivision approvals, without the new road it would be landlocked. Planning Manager Spencer stated future development in that area will require the ability to build the roads for subdivisions. Planner Howa pointed out they can't force the developer to make the road cut over property they do not own. Commissioner Garcia asked does this make the east property a flag lot? Planner Howa explained it is a non-conforming lot. Planning Manager Spencer pointed out this item is just for the rezone and future requests will come in for the subdivision and road. Planner Howa mentioned in the A-1-10 rezone area the homeowner wants to maintain some property with animal rights. A lot of negotiations have been worked through to get this property subdivided.

Item 4.1 Commissioner Fenn indicated he recently watched Councilman Hodges social media post with the comments about water prices. He reinforced these two tanks are needed and will open the area for additional development.

Item 4.2 Commissioner Fenn implied it looks like the building is turned compared to the old plans. Planning Manager Spencer explained they will need to update their land use plan. They had plans for a potential gas station that is no longer an option. The buildings use has changed, and they have the flexibility to do that.

Item 5.2 Planning Manager Spencer pointed out the applicant is here if there are any questions. The South Hills MDA 5th amendment is shifting things around with property boundary changes and exchanges. They came in about a month ago to show the changes. Vice Chair Ferguson confirmed this encompasses the two water tanks in item 4.1.

1.3. Presentation and discussion of land use development practices, policies, standards, and regulations – Clint Spencer, Planning Manager

Planning Manager Spencer presented a training video.

Discussion about the training video commenced.

2. Adjournment

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

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

3. Call to Order

Vice Chair Ferguson called the meeting to order at 7:04 p.m.

5355 W. Herriman Main St. • Herriman, Utah 84096

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 February 7, 2024, Planning Commission Meeting

https://www.herriman.org/uploads/files/4404/20240207-PC-Minutes-Draft.pdf

Commissioner Garcia motioned to approve the Minutes for the February 07, 2024, Planning Commission meeting; Commissioner Sickles 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 the construction of two water tanks located generally at 15590 S and 15898 S Mountain View Corridor Highway within the A-1-43 Agricultural Zone and the Hillside Overlay Zone.

Applicant: Jonathan Bowers, Herriman City (authorized agent)

Acres: ±15.03 File No: C2023-152

https://www.herriman.org/uploads/files/4405/ltem-4.1-C2023-152-Staff-Report.pdf

Planner I Hoadley presented the consideration of installation and construction of two (2) water tanks in zones two (2) and three (3). Location in the Porter Rockwell area was shown. The area is currently on private land, but the city will maintain the tanks and when the subdivision is plated and processed the city will own the land. The proposal is for two structures: 2 water tanks, holding 2 million gallons of water each, both tanks will be constructed to sit below the surface, and will service zones two and three. The proposed elevations drawings were shown, most of which are underground for both tanks. The staff recommends approval.

Commissioner Bradford inquired where will the water to fill the tanks come from. Public Utilities Engineering Manager Bowers informed the city has a turnout from Jordan Valley Water Conservatory District (JVWCD) off 15000 south that pulls the water up to a zone one tank that is just below these new tanks. A new pump station will be installed to pump the water from the zone one tank up to the two new tanks. Commissioner Fenn pressed if the water source is secure from JVWCD? Engineering Manager Bowers answered for now that is what Jordan Valley is telling us. The City is not exceeding our contract from them. Commissioner Fenn queried have wells ever been evaluated in this area? Engineering Manager Bowers replied the city does have a few wells, but they have not been evaluated in this area. The city could survey for a well in the future. Commissioner Fenn requested how big of area will these wells serve? Engineering Manager Bowers reported the area proposed will be for the new lines and homes in this area but will also help with some existing homes. Commissioner Rypien wanted to know how the cost will be shared. Engineering Manager

Bowers informed the cost is being split between three different parties Herriman City, DAI developer, and Wasatch developer. They are coming up with a contract to split the proportional amounts, but it has not been created yet. Commissioner Rypien asked if the city presumes a tank will be needed higher up for future development. Engineering Manager Bowers announced yes, it has been anticipated additional tanks will be needed eventually.

Engineering Manager Bowers confirmed the developer asked for the tanks to be built on their property. Herriman will be the owner of the tanks and the property once it is dedicated by South Hills.

Commissioner Rypien moved to approve, item 4.1 Consideration of a Conditional Use Permit for the construction of two water tanks located generally at 15590 S and 15898 S Mountain View Corridor Highway within the A-1-43 Agricultural Zone and the Hillside Overlay Zone with staff's conditions: 1. Receive and agree to all recommendations from other agencies. 2. The intersection of the service lane and the right of way (when developed) shall comply with adopted engineering standards.

Commissioner Fenn seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Aye

Commissioner Jackson Ferguson Not Voting

Commissioner Heather Garcia

Commissioner Brody Rypien

Commissioner Adam Jacobson

Commissioner Andrea Bradford

Aye

Alternate Commissioner Forest Sickles

Alternate Preston Oberg

Alternate Terrah Anderson

Aye

The motion passed unanimously.

4.2. Consideration of final building elevations and landscape plans for commercial development in Academy Village POD 35, located at 14672 S Sentinel Ridge Boulevard in the C-2 Commercial Zone.

Applicant: Alex Dahlstrom, Wasatch Commercial (property owner)

Acres: ±1.47

File No: C2024-018

https://www.herriman.org/uploads/files/4406/ltem-4.2-C2024-018-Staff-Report.pdf

Planning Manager Spencer presented the Academy Village pod 35 pad on Sentinel Ridge Blvd. The plot is now labeled pod 35-G (previously 35-E). The plot has a drive-thru window, bushes and trees will help screen the car lights with the elevation difference from the road. The building facades were shown. The possible accommodation for a gas station has come and gone, and this is now their revised site plan. Staff have a sidewalk recommendation to tie into the existing sidewalk in front the building across the drive-thru lane and add a stairway down to the public sidewalk. Commissioner Fenn sought information on the crosshatch area on the plan. Planning Manager Spencer informed him the crosshatch area is an outdoor patio area with a potential cover.

Applicant Alex Dahlstrom expounded the site has a new LOI for this pad. They designed this building specifically for them. They are now looking for a different gas station for the other corner on pod



39. They agree pedestrian access would be a great addition and they will try to accommodate that request. The sign monument base is already installed waiting for the installation. The retaining wall and landscaping are already installed. Commissioner Anderson pondered if separation around the patio from the parking and drive-thru will be installed. Applicant Dahlstrom advised they have a few designs involving black gates with some covered to create separation. Only part of the building will be the drive-thru tenants, the south portion will be different tenants.

Commissioner Sickles sought if the elevation percentage of the stone fits this MDA's standards. Planning Manager Spencer briefed this MDA has different standards than the city, it does fit those standards.

Commissioner Rypien moved to approve item 4.2 Consideration of final building elevations and landscape plans for commercial development in Academy Village POD 35, located at 14672 S Sentinel Ridge Boulevard in the C-2 Commercial Zone with staffs recommended conditions: 1. Construction plans shall include a Landscape Summary Table to facilitate building permit review and final site inspection compliance with applicable standards in the City Code and the South Hills MDA 2. Update parking study to reflect known and intended land uses in POD 35 (i.e., professional office, convenience store, gas station, sit-down restaurant, drive-through only, restaurant, etc.) 3. Building permit plans shall comply with all applicable City Codes and Engineering Standards.

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Aye

Commissioner Jackson Ferguson Not Voting

Commissioner Heather Garcia Aye
Commissioner Brody Rypien Aye
Commissioner Adam Jacobson Absent
Commissioner Andrea Bradford Aye
Alternate Commissioner Forest Sickles Aye
Alternate Preston Oberg Absent
Alternate Terrah Anderson Aye

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.

Vice Chair Ferguson read the public comment policy and procedures.

5.1. Consideration of a request to amend Herriman City's Official Zoning Map from A-1-43 Agricultural Single-Family Zone to A-1-10 Agricultural Single-Family Zone and R-1-10 Residential Single-Family Zone for properties located at 13347 S, 13357 S, and 13363 S Rose Canyon Road in the A-1-43 Agricultural Single-Family Zone. (Public Hearing) Applicant: Alan Prince, Montgomery Properties, LLC (authorized agent)

Acres: ±6.93 File No: Z2023-149

https://www.herriman.org/uploads/files/4407/ltem-5.1-Z2023-149-Staff-Report.pdf



Planner II Howa presented the request for the rezone for 3 separate properties off Rose Canyon Road. The existing zone is A-1-43 totaling about 7 acres. The proposed rezone map shown with 6.42 acres being rezoned to R-1-10 and .42 acres rezoned to A-1-10 in order to maintain animal rights. The conceptual subdivision plan showing proposed 11 lots with 2 additional lots not included as part of the subdivision proposal presented. Staff recommends the commission forward a positive recommendation to the City Council.

Commissioner Fenn raised the question would the existing house be land locked without the new road, Planner Howa clarified it would be land locked without the road, the new road will need to be sufficient for emergency vehicles and be approved when the subdivision process comes through.

Commissioner Garcia sought if all landowners have agreed to this use? Planner II Howa advised he has spoken with all the landowners, and they are also here today. Commissioner Garcia checked if the existing home lot to the east would be able to subdivide. Planner Howa made known they would not be able to subdivide since they would not be able to provide public access. The R-1-10 area to the west would be able to subdivide in the future.

Authorized agent Alan Prince, Montgomery properties, clarified the existing property to the east receives access to their home by a dirt road. They have agreed to fold the easement into the lots and then be given an easement off the new lots with fully landscaped and asphalted driveway. Also, in the portion of the R-1-10 they traded some land to provide road access. This gave them a larger parcel and provided a layout they could subdivide in the future. The family in the A-1-10 area wanted to keep the agricultural designation for their own use.

Vice Chair Ferguson opened the public hearing.

Michael Josephson, owner of the A-1-10 lot (proposed rezone), revealed their house was built to accommodate his wife's health issues. He's not able to use the balance of the yard with everything going on in his life. Splitting the land will be a blessing for his family.

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

Commissioner Garcia moved to forward a positive recommendation of approval to City Council of item 5.1 Consideration of a request to amend Herriman City's Official Zoning Map from A-1-43 Agricultural Single-Family Zone to A-1-10 Agricultural Single-Family Zone and R-1-10 Residential Single-Family Zone for properties located at 13347 S, 13357 S, and 13363 S Rose Canyon Road in the A-1-43 Agricultural Single-Family Zone.

Commissioner Sickle seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Ave Commissioner Jackson Ferguson-Vice **Not Voting** Commissioner Heather Garcia Ave Commissioner Brody Rypien Ave Commissioner Adam Jacobson Absent Commissioner Andrea Bradford Aye Alternate Commissioner Forest Sickles Ave Alternate Preston Oberg Absent Alternate Terrah Anderson Aye



The motion passed unanimously.

5.2. Consideration of a request to amend the South Hills Master Development Agreement (MDA) affecting properties located approximately at 14787 S Academy Parkway and within the following general boundaries: 15000 South (north boundary), Mountain View Corridor (east boundary), 15900 South (south boundary), and 4300 West (west boundary). If approved, the proposal would add ±74.96 acres of property to the existing MDA and amend portions of the MDA including the South Hills Development Land Use Master Plan to reflect existing and proposed commercial and residential development within the master-planned community. (Public Hearing)

Applicant: Craig Martin, Wasatch South Hills Development Company (authorized agent)

Acres: ±679.46 File No: M2023-129

https://www.herriman.org/uploads/files/4408/ltem-5.2-M2023-129-Staff-Report.pdf

Planning Manager Spencer presented the South Hills Master Development Agreement (MDA) 5th amendment. This project has been worked on for several months. A lot of this has been planned and coordinated along with Panorama development group and is now ready to move forward. There are some considerations to investigate, which can be reviewed once the Planning Commission recommends approval to City Council. The boundary area map was shown, they are complying with East Area General Plan density. At the time of initial approval there was a Planned Unit Development (PUD) that has a few items that still need to be addressed such as open space and overall density. Staff want the PUD document referenced in the MDA amendment for easy reference. Original land use compared to current land use plan shown. The MDA Amendment proposal includes removal and addition of property, amendments to future land use map, and amendments to technical guidelines.

The area of pod 5a is now a commercial area, changes to the zoning can be made after planning commission approval. The new land use Medium Density Small Lot regulations are minimal, and staff want to see more clarification on this and where it can be applied.

Staff recommends approval with conditions:

- 1. Demonstrate compliance with the East Herriman General Plan
- 2. Demonstrates compliance of all past and future phases with maximum density of 4.5 dwelling units per acre and density transfer provisions of paragraph 4.3.1 of the MDA,
- 3. Simplify proposal with a land use table consistent with prior maps.
- 4. Amend proposed "Medium Density Small Lot" design standards (as directed by the Planning Commission) and specify specific pods where the new land use will be applied.
- 5. Include a complete copy of the Planned Unit Development approval by the Planning Commission with specified conditions dated January 15, 2009
- 6. Remove POD 1 from the proposed Land Use Master Plan amendment.
- 7. Provide a complete analysis of the proposed Open Space designations (on the Land Use Master Plan) with the requirements of the PUD and the MDA
- 8. Prepare an Amended & Restated South Hills Master Development Agreement for recording. Amended document shall include all developed and undeveloped phases of project with proper formatting and insertion into logical sections of the amended MDA.

Commissioner Sickles clarified pod 1 is not part of the overall calculations for open space. Commissioner Ferguson pressed do they have a method of doing 2 egresses? Planning Manager



Spencer disclosed a lot of this will take place alongside the Panorama development. They will only be able to develop so many lots until they have a certain amount of access.

Applicant Craig Martin presented a slideshow of surrounding area overview. A brief history of the Wasatch group given. The existing MDA land use master plan shown. The amendment 5 land use map with the land swap changes shown. The lump comparison table shown, Commissioner Rypien expressed his appreciation of working with the other developers and landowners. Applicant Martin conveyed pods 16 & 17 will be built first then pod 15 & 14. By the time they start working on pod 15 the access road will be finished. They are willing to work with the recommendations to the best of their ability.

Commissioner Garcia scrutinized there are a lot of recommendations from staff, do you feel like we have enough information to move this forward to the City Council. Planning Manager Spencer mentored the Council is aware there are still changes needed for the MDA as it moves forward, staff is comfortable with the approval. Commissioner Garcia requested clarification on recommendation #4. Planning Manager Spencer communicated the requirements listed are a little skim. The standards need architecture designs requirements, lot size requirement is not defined, and narrowing down the areas the medium density would be allowed. Community Development Director Thomas aired the main concern was the design showed medium density was allowed along the main road where people would be backing out on the main road. Staff have been working with them to add shared driveways where they can pull out forward from both lots. It is currently written in the draft amendment that they can apply it anywhere the high or medium density zone is allowed. The city wants assurance that shared driveways can be built.

Vice Chair Ferguson opened the public hearing.

No comments were offered.

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

Commissioner Rypien conveyed if staff is comfortable working with the developer on the medium density small lot, he is okay with it. Commissioner Sickles spoke about the last conversation on the medium density included not wanting to see garage after garage and coming up with a better site plan. Planning Manager Spencer suggested the commission can address certain issues with the standards to staff addressing them with the applicant or commission can request additions to the MDA such as minimize garage set back, adding provisions to have an architectural standard, or requiring so many types of elements on the building. Vice Chair Jacobson suggested adding a porch to each unit. Commissioner Anderson clarified there is nothing in this agreement for the architectural standards for Medium Density Small Lot in the MDA right now. Planning Manager Spencer feels like this is something staff can work with the applicant to add the standards before sending to council. Commissioner Anderson clarified if commission moves it forward to council, then staff would work with the developer but, if they continue it, this will come back to planning commission.

Commissioner Rypien advocated needing at least 3 variations of house and garage orientations. Vice Chair Jacobson voiced that if you require a porch, it becomes the main element and not the garage door. Commissioner Garcia worries this is becoming too quick of a decision.

Director Thomas requested if the Commission chooses to move this forward to the council and incorporate these items into the recommendations to be very clear on the motion so staff can address them.



Planning Manager Spencer voiced if there are certain elements of design the Commission wants, staff could accommodate this instead of coming up with it right now. Suggestions of roof pitch, materials, setbacks, porches, garage orientation or other elements we can address with the developer. Commissioner Fenn vocalized they want a variable look as you drive down the street. In general, he agrees with staggering the garages, so they are not all uniform. Also, the depth of the driveway is not long enough. Director Thomas communicated that the developer has stated they are willing to increase the driveway length to 22 feet. Commissioner Fenn stated he is fine with leaving the clarifications with staff. Commissioner Anderson and Garcia reputed they would prefer to bring it back to a work meeting to get more information. Planning Manager Spencer mentioned there are small lot design standards in the Teton MDA that required garages not be the most prominent feature and a few other requirements that staff could use as a comparison. Commissioner Sickles recommended continuing the item to bring it back in a work meeting. He clarified the Commission is trying to come up with ways to prevent subpar sight planning and site locations without looking into specific plans and locations.

Applicant Martin approached the lectern. He expressed the talk of having this continued again would not be preferred but understands their concerns. He is willing to change the setbacks to 22 feet, add the porches, and clarified the double lots would be limited to only Soleil Hills Drive in pod 8A, 14 & 15 and would be a U shape driveway with an entrance and exit. He is willing to work through all the issues on the driveways. He understands they want more texture and less garage door driven appearances. This developer doesn't build things similar to what is already in that area, they built Solieh Lofts, they don't build army barrack looking houses. Commissioner Garcia clarified the commission wants to protect themselves with the MDA and make it clear on both sides. Applicant Martin expressed the housing will be staggered with vertical and horizontal variety. They believe they are on the same page with all the recommendations. The landscaping will also be varied to break it up once again. Commissioner Fenn pressed if the developer will be doing the front yard landscaping? Applicant Martin confirmed they will be doing the front yard landscaping. They want to be good partners; they don't want to build something no one wants to buy or drive past. This is just the MDA level approval; the pod approvals will come back to planning commission later. The developer wants to help people get into a nice smaller single-family unit. Pods 16 and 17 are meant for this purpose and currently the only pods considered for these units.

Commissioner Rypien expressed bringing in these elements the developer is already planning on into the conditions would make him feel comfortable with moving forward. All the Commission agreed.

Planning Manager Spencer reviewed the elements that where discussed: setbacks, 40 square foot porches, garage orientation, addressing pedestrian orientated front facades, 22-foot driveway length, double drive only occurring in certain pods, horizontal and vertical variations, and landscape variations.

Commissioner Fenn moved to forward a positive recommendation of approval to City Council of item 5.2 Consideration of a request to amend the South Hills Master Development Agreement (MDA) affecting properties located approximately at 14787 S Academy Parkway and within the following general boundaries: 15000 South (north boundary), Mountain View Corridor (east boundary), 15900 South (south boundary), and 4300 West (west boundary). If approved, the proposal would add ± 74.96 acres of property to the existing MDA and amend portions of the MDA including the South Hills Development Land Use Master Plan to reflect existing and proposed commercial and residential development within the master-planned community. With staff's recommendations:

1. Demonstrate compliance with the East Herriman General Plan



- 2. Demonstrates compliance of all past and future phases with maximum density of 4.5 dwelling units per acre and density transfer provisions of paragraph 4.3.1 of the MDA,
- 3. Simplify proposal with a land use table consistent with prior maps.
- 4. Amend proposed "Medium Density Small Lot" design standards (as directed by the Planning Commission) and specify specific pods where the new land use will be applied.
- 5. Include a complete copy of the Planned Unit Development approval by the Planning Commission with specified conditions dated January 15, 2009
- 6. Remove POD 1 from the proposed Land Use Master Plan amendment.
- 7. Provide a complete analysis of the proposed Open Space designations (on the Land Use Master Plan) with the requirements of the PUD and the MDA
- 8. Prepare an Amended & Restated South Hills Master Development Agreement for recording. Amended document shall include all developed and undeveloped phases of project with proper formatting and insertion into logical sections of the amended MDA.

and adding requirements to recommendation 4: include horizontal staggering of the structure, vertical staggering of the structure, 22-foot driveway, variable front yard landscape, 40 square foot covered front porches, allowing double driveways throughout pods 8A, 16 &17 along Solieh Blvd. These requirements cover the entirety of the medium small lot standards.

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Aye

Commissioner Jackson Ferguson-Vice Not Voting

Commissioner Heather Garcia Aye
Commissioner Brody Rypien Aye
Commissioner Adam Jacobson Absent
Commissioner Andrea Bradford Aye
Alternate Commissioner Forest Sickles Aye
Alternate Preston Oberg Absent
Alternate Terrah Anderson Aye

The motion passed unanimously.

6. Chair and Commission Comments

No Comments

7. Future Meetings

- 7.1. Next City Council Meeting: March 13, 2024
- 7.2. Next Planning Commission Meeting: March 20, 2024

8. Adjournment

Commissioner Garcia moved to adjourn the meeting at 8:43 p.m. and all voted aye.

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l, Angela Hansen, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 06, 2024. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.

Angela Hansen

Deputy City Recorder

