



HERRIMAN CITY PLANNING COMMISSION MEETING

MINUTES

May 15, 2014

Approved June 5, 2014

6:00 P.M. Work Meeting

The City Council will attend the work meeting for a joint discussion.

Attendance

Planning Commission Members:

Robyn Shakespear
Blayde Hamilton
Clint Smith
Jessica Morton
Jeremy Burkinshaw
Wade Thompson
Adam Jacobson

City Council Members:

Carmen Freeman
Mike Day
Craig B. Tischner
Coralee Wessman-Moser

City Staff:

Bryn McCarty; Planning Supervisor
Cindy Quick; Deputy Recorder
Gordon Haight, Assistant City Manager

Excused:

Wayne Hill, Tony DiConza

Guests:

Please see the attendance sign in sheet.



Bryn McCarty begins reviewing the agenda. She explains to the council that all of the proposed towers have been withdrawn except for one which is a proposal for dishes to collocate on the city's water tower. A brief discussion ensued.

Item 2.2 and item 2.3 is a proposal for a piece of property on Herriman Parkway where 5600 West doesn't go through yet. This proposal will be to rezone four acres to RM and 2.3 are for the addition of 48 townhomes. She then explains that tonight we are redoing this item in the general plan. This item is a hot debate right now. The residents will be here and it will be on for public hearing, so let's have the hearing and see how it plays out. A brief discussion ensued and the commission consensus was that there is no reason to rezone this piece of property right now.

Item 2.4 is the amendment to the General Plan. She reminds the commission about their discussions from last week and explains

that they all have a new zoning map and phone list etc. She talks through the text changes and explains that this item is a recommendation to the City Council.

[6:14:15 PM](#) Mayor Carmen Freeman joined the meeting.

Commissioner Robyn Shakespear asks about the text changes and a brief discussion ensued.

[6:19:49 PM](#) Council Member Coralee Wessman-Moser joined the meeting.

Bryn McCarty explains her desire to update the entire zoning ordinance. She's been keeping a list of items that need to be addressed. She handed out an outline of those items. She explains that she will briefly go over each item and asks for a quick yes or no from the commissioners to proceed in changes or to leave it the same. She reports that Heather will be back on Tuesday.

[6:21:39 PM](#) Council Member Mike Day joined the meeting

Open Space. She reports that the commission already passed an open space ordinance and it's pending before the City Council. Bryn would really like it adopted so it can be enforced for upcoming developments.

Fencing. Currently the city does not have a fencing ordinance. The city has different subdivisions that have CC&R's but the city has no ordinance but the requirement for a clear view on a corner. A brief discussion took place and it was decided to look into an ordinance.

Curb & Gutter. Bryn explains that we had an exception for curb and gutter in old town Herriman stating that they don't have to have it. However, that exception was taken out and now everyone is required to install curb and gutter even in the old town area. Engineering does not want pieces of curb and gutter here and there in that part of town. Council Member Mike Day remembers seeing a map that designated Old Town Herriman. Bryn describes that it was created by staff but never presented to the Planning Commission. He asked if they liked the map and if it was okay to them. The response was yes they like and it's okay.

Bryn quickly reports that the Butterfield appeal was denied.

Council Member Mike Day asks what the procedure for approving the map would be. Bryn explained that it would be simple, just bring it before the commission and get it approved.

Gordon Haight, Assistant City Manager reports that there would be no collection of fees for this area and that it would cost millions to install curb, gutter and storm drain in Old Town Herriman.

Temporary Signs. Bryn explains that for this ordinance a size needs to be added for these types of signs. She recommends an average size is 4' x 8' and that she will look into this further to see what a typical size is and add it to the ordinance. It was discussed that snipe signs are not allowed and election signs were briefly discussed.

Deep Lots. Currently this ordinance requires a half acre lot if you're on a private driveway. The ordinance allows for quarter acres if you have an unusual shaped lot. Bryn explains that this ordinance needs to be fixed. She suggests possibly getting rid of it all together.

Driveways. Currently there is nothing that says you can't have a gravel driveway. Bryn feels like we need an ordinance for driveways.

Conditional Use Notices. Conditional use notices, every zone has one and it goes before the planning commission. State statute does not require any notice. Our ordinance requires 7 days notice. We always do 10 days notice. We need to change it to 10 days or take it out because it's not required. Council Member Mike Day likes that we notify the public. Bryn requests changing it to 10 days. Commissioner Blayde Hamilton feels like we should notice it. Council Member Coralee Wessman-Moser says if there are certain cases that it doesn't seem right then perhaps we could add an exception for that situation. For example, a model home, or monument signs and write those exceptions in the ordinance. The consensus was to change it to 10 days. Bryn noted that conditional uses are permitted uses. If you notify the public they think they can change it. Council Member Coralee Wessman-Moser suggests adding language explaining that to the public.

General Plan Process. This ordinance needs to be fixed to match the state statute.

Windmills. This ordinance just has a typo. One part of the ordinance says 'one' acre and another part of the ordinance says 'three' acres. This just needs to be fixed.

Home Occupations Signs. If you have a business you can do a sign attached to the house. Bryn requests guidance from the

commission and council for this ordinance. Council Member Coralee Wessman-Moser says she doesn't have a desire for it to change. Council Member Mike Day mentions that he likes this ordinance monitored upon complaint as a code issue.

Park Strip/Trees. Currently the city doesn't have a requirement for trees in the park strip. Bryn feels like this ordinance should be addressed. She explains that a lot of subdivisions have CC&R's but a lot of subdivisions don't have HOA's to monitor those CC&R's and the city doesn't have a standard. She feels this could become a huge issue. She request that we have a standard for park strips and what type of landscaping should be required. Planning Commissioners feel that there should be a standard and City Council wants a standard but not too restrictive just make it more of a prohibitive list instead of a restrictive list.

Fronting on Collectors. Gordon Haight, Assistant City Manager explains that this ordinance can be tricky to enforce. If a developer builds close to the collector road and they can't front on it, which is frustrating to them.

Convenience Stores. This is a problem in general. It's not listed in a C2 Zone. There are some uses listed in the zone that will never be used and need to be addressed. This ordinance just needs to be cleaned up.

Parking. This ordinance hasn't been changed since we adopted it. Bryn suggested checking into standards and bring it back to the commission as a recommendation. She suggested separate requirements for one bedroom, two bedroom and three bedroom apartments.

Height. This issue has come up recently because of the variance on lookout ridge. Currently height is measured from grade to the midpoint of the roof. The current ordinance only allows a maximum of 35 feet in height which is an issue for some homes. Valley View is a concern. Bryn comments getting a variance is very time consuming and it's hard to get. Council Member Coralee Wessman-Moser suggests limiting height to a lot. Commission Adam Jacobson requested describing and showing an example, to show it on a grade. The consensus of the commission was to keep it the same.

Plat Amendment. Current ordinance states that if people buy two lots it requires a hearing. However, state statute allows a plat to be amended by two property owners without a public hearing, if both property owners agree. The consensus from the commission was that they feel fine with it as it is.

Subdivision Notice. Bryn quickly explains that in a nut shell subdivision notices do not require a public hearing if it meets the ordinance. Staff can even approve it. She would like to have a longer discussion on this topic at another meeting.

7:02:00 PM Adjourn to Regular Commission Meeting.

7:00 P.M. Regular Planning Commission Meeting:

Attendance

Planning Commission Members:

Robyn Shakespear
Blayde Hamilton
Clint Smith
Jessica Morton
Jeremy Burkinshaw
Wade Thompson
Adam Jacobson

City Council Members:

Carmen Freeman, Mike Day
and Coralee Wessman-Moser

City Staff:

Bryn McCarty; Planning Supervisor
Sandra Llewellyn, Planning Administrative Coordinator
Cindy Quick; Deputy Recorder
Gordon Haight, Assistant City Manager
Blake Thomas, City Engineer
Augusto Robles, Engineering

Guests:

Please see the attendance sign in sheet.



1. GENERAL BUSINESS:

7:08:19 PM Vice Chair Shakespear welcomes those in attendance.

1.1 7:08:56 PM Reverence / Thought: Mike Day

1.2 7:09:50 PM Pledge of Allegiance: Jamie Bringhurst

1.3 7:10:19 PM Roll call: Full Quorum, Wayne Hill and Tony DiConza excused

1.4 7:10:40 PM Approval of electronic minutes for: **May 1, 2014.**

Commissioner Jessica Morton **MOVES** to approve the minutes for May 1, 2014 with the correction of removing Jessica's name from the minutes because she wasn't there.

Commissioner Clint Smith **SECONDED** the motion.

Vice Chair Shakespear asks for a vote. The vote is as follows:

Commissioner Adam Jacobson	Yes
Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Clint Smith	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Wade Thompson	Yes

Vote passed.
Motion carried.

2. REGULAR AGENDA:

2.1 7:11:31 PM **17C14**–Vivint Wireless – 5603 W Emmeline Dr – Install 6 one foot dishes on an existing city tower – Acres: 2 - Zone: R-1-15

Bryn McCarty orients the commission regarding this item and explains that it's a proposal to collocate on an existing city tower. She shows the commission a drawing illustrating the dishes on the tower. This is the only location they are looking at. They've withdrawn the requests for other locations.

7:12:43 PM Vice Chair Shakespear opens it up for public comment and calls for any citizen who wishes to speak to come to the podium and address the Planning Commission members.

Citizen Comments:

Bryan Call, 4886 W Desert Sage Drive, expresses support to bring Vivint Wireless to the city because the city doesn't have a lot of internet options here. He expresses that he thinks this would be a great thing for the city.

Vice Chair Shakespear asks if there are any other comments, being none she asks the commission for discussions or questions.

Commissioner Blayde Hamilton takes opportunity to express approval after he went to look at the location and he feels fine about it.

Vice Chair Shakespear asks if there is a limit to how many they can put on it. Bryn explains that it's only for the amount they've requested. Any additional would have to come back.

Jeremy asks if they are installing any others. Steven Vos approaches council and explains that he has withdrawn all other requests.

Commissioner Blayde Hamilton **MOVES** to approve this item with staff recommendations.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Shakespear asks for a vote. The vote is as follows:

Commissioner Adam Jacobson	Yes
Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Clint Smith	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

2.2 [7:16:33 PM 09Z14](#)– Castlewood Development – 12515 S 5600 W - Zone change from C-2 to RM (Multi-Family Residential) – Acres: 4.10 (**HEARING**)

Bryn McCarty explains to the commission that we will talk about these next two items 2.2 and 2.3 together. They are asking to rezone this property to RM and leave the corner piece commercial. They submitted the application for the same property for townhomes. This would be a conditional use. Zoning would have to be approved before would could approve any town homes.

[7:17:43 PM](#) Vice Chair Shakespear opens it up for public comment and calls for any citizen who wishes to speak to come to the podium and address the Planning Commission members.

Citizen Comments:

Joel Bringham, 5636 Evening View Drive, he's a licensed architect and has studied the plan and has a few issues with the proposed layout. This would be classified as high density according to the city definitions. He doesn't feel it's appropriate next to low density because there is no transition. He further adds that the city guidelines state that landscaping and open space shall be used to buffer and soften the density, but there isn't anything proposed. 15 feet set back on all sides is not sufficient as a buffer. Article C of the RM Residential Zone, Section 109C7 regarding rear yard states that the minimum rear yard depth of any building should be thirty feet. He's also concerned about the height causing light pollution and noise pollution. The site plan and building elevations are inappropriate. He believes this look creates a wall not variations. He opposes the rezoning and conditional use. He asks that his notes be part of the public record. Attached.

Duane Rasmussen, 6740 S 1300 E in Cottonwood Heights. He explains that he's been working with the staff over the last year to find a happy medium for the difficult access for this piece. He proposed a medium density originally but would like to get between 8-10 units per acre which is on the lower end. He would be happy to meet with this community to see if they can understand their concerns and modify this site plan to make it better. He would like to move this along for the land owner and come to an accord. I could set a meeting this evening to bring back additional drawings and other ideas based on this meeting tonight.

Vice Chair Shakespear comends Duane for his comments and suggestions. The audience was asked how many are here tonight for this topic – the majority of the audience raised their hands.

Rudy Meier, 12477 Luzerne Court, he feels that the proposed development goes against the city vision statement. Herriman City would be a place to establish roots and discusses economic development and preserve the Herriman feel. He doesn't feel that a 48 unit town home development would be in line with this statement to preserve the Herriman feel and is opposed to this development.

Janet Blood, 5516 Varena Street, she is opposed to high density. She feels there is too much high density. She feels frustrated that even when she comes and explains that there is too much high density in our city that the city continues to allow high density developments.

Tracey Creno, 12462 S Cheval Court, she is a member of the Unified Police Department and is concerned for safety in this development. She feels like there will be a lot of traffic here which will cause traffic accidents and injuries. She feels that townhomes don't hold their value and she is concerned that her property value will drop.

Jared Henderson, 12568 S Heritage Hill Court, He applauds the residents for coming tonight. He appreciates that this developer is willing to work with residents. He would want a development here but probably not this development. He reminds the commission that children walk along here to get to the middle school and that this will be a major intersection and he is concerned with the increase of traffic that will bring. He would like to see a buffer going from high density, to medium density, to low density. He feels that this development seems to just be plugging in here and there is no buffer or flow from low density to high.

David Watts, 14461 S. Windom Road, he seconds everything that's been said. Council is giving clear guidance in changing the general plan for different areas of the city regarding density. This development doesn't make sense for this area. He'd rather see commercial in this spot. He'd like to see the builder and the community work together to come up with something different.

Jamie Bringhurst, 5636 Evening View Drive, she moved from Daybreak which is a very dense area and thought that Herriman wouldn't get much denser. She would like a good buffer here. She feels like people tend to retreat when they don't have any personal space.

Rob Ninow, 12462 South Luzerne Court, he lives just across the street from this proposed development. He agrees with the residents here. He feels like this will be a major intersection in the future and he'd like to see this land a commercial development. He doesn't want the commission to rezone it to residential. He feels that this development doesn't make sense in this spot.

Brandon Pack, 5928 W. Grandpere Avenue, he thanks the city for getting this notice out further than 300 feet. He also thanks the developer for being willing to have a meeting with the residents. He would like to work with the owner of this property to work through the plans for whatever goes in here.

Robin Hall, 12447 S. Chavel Court, he moved from Texas and feels blessed to have been able to build a home in Herriman. He asked the commissioners to remember what brought them to Herriman and asked them if they like doing what they do and where they live. He feels like this is a great community and doesn't feel high density communities are what we want long term.

Dianna Pursival, 12541 S. Jeannette Lane, amen to all the comments tonight. She explains that moved here because she didn't want to live in West Valley or Magna.

Terry Thompson, 5677 W. Evening View Drive, echo everybody's sentiments in relation to high density and being so close to where they are. He moved here three and a half years ago and understood that this property was supposed to be commercial not high density. He explains to the commission that this week two home have gone up for sale on this drive.

Kenny Romney, 12506 S. Luzerne Court, he has safety concerns for this corner. He has two children that go to the middle school and he's nervous that when they open 5600 South it will divert a lot of traffic right to this

intersection. He requests good visible crossing areas in this area for both the middle school and the elementary.

Mike Clayton, 5652 W. Evening View Drive, this development is right in my backyard. He echoes the sentiments of those before him. He loves this place because his kids can ride their bikes in the street and he doesn't have to worry about someone speeding through. He feels there is a good sense of community here in this neighborhood. He feels concerned about property values. The property owner is the only one who will receive a value from this development. I understand that there will be growth but he hopes the commission will try to keep some of those things that make Herriman great.

[7:52:07 PM](#) Vice Chair Shakespear leaves this public comment open to allow the developer to bring back more information and give him a chance to talk to the community and thanks those who participated.

Commissioner Clint Smith thanks residents for being involved tonight and expressing their concerns. He expresses appreciation to the developer for being here tonight too and being willing to work with the residents. He explains that he's seen that when a developer and community are willing to work together that they've had great experiences. We have an opportunity for that with this piece of land. There have been great discussions about density lately amongst the commission and the council. He would like to continue this item to see if a solution can be reached.

Commissioner Blayne Hamilton feels this this piece was zoned commercial for a reason. He is against changing it to high density. He feels this proposal is too high of density and that this area is ideal for commercial.

Commissioner Jeremy Burkinshaw has an issue with the city's economic development. He is fundamentally opposed to changing any commercial zones to high density.

Commissioner Jessica Morton echoes Blayne and Jeremy's comments she wants this piece to stay commercial.

Commissioner Wade Thompson feels the same way and feels we need to stick with this piece of commercial.

Commissioner Clint Smith and Adam Jacobson both commented that they would like to see what the developer and the residents come back with.

Commissioner Jeremy Burkinshaw asks the developer to come forward and explain what he would be willing to do as far as density goes.

Bryn McCarty quickly reminds the commission that this is a recommendation to the council and explains that this is really two separate items.

Duane Rasmussen (applicant/developer) expresses appreciation for the comments and feelings expressed tonight and he'd like to have a chance to talk to the residents and the land owner to see if they can come up with a solution. He feels the discussion should be had.

A brief discussion between Duane and Commissioner Burkinshaw ensued. It was decided to allow developer to hold a meeting with the residents to see if they can come to a general consensus.

Tracey Creno approached the commission again and asks for a vote from those here as to whether they want it commercial or not.

Jared Henderson comments that during a meeting with the residents he discussed that having this area zoned commercial doesn't mean it's going to be a dentist's office; you don't know what will go there. He proposed to the residents that if single family homes go in that area it might be more agreeable. He adds that he feels a conversation with the developer is worth having.

Jeffery Pursival, 12541 S. Janet Lane, doesn't want this rezoned. He wants it to stay commercial. He's frustrated with the Garbett Homes project and hates the look of those homes. He feels like Herriman is a nice

looking area and he's loved it here but the more development that goes in creates a potential for higher crime rates. He asked to be able to take a vote with those here tonight.

Carmen Goldman, 5492 W Varena Street, she's not sure she wants commercial but does know that she doesn't want townhomes or apartments. She's more comfortable with single family homes going here instead of commercial.

Janet Blood, reminds the residents that single family homes means a town home like those in the Garbett Home development. She feels frustrated that they aren't allowing a vote tonight so she wants it known that she wants commercial.

Bart Thomas, 12509 S. Luzerne Court says he wants commercial.

Michelle Ipson, 12457 S. Luzerne Court, she's concerned that the developer will not be able to lower the density as low as the resident's would like it. She doesn't want to waste the developer's time.

Carmen Goldman readressed the commission she explains that she would like this piece zoned to match her existing subdivision which is quarter of an acre family homes.

Vice Chair Shakespear asks commission if they feel ready to make a motion.

Commissioner Jeremy Burkinshaw **MOVES** to deny this item based on the pending general plan changes and amendments and recommend that motion to the council.

Commissioner Wade Thompson **SECONDED** the motion.

Vice Chair Shakespear asks for a vote. The vote is as follows:

Commissioner Adam Jacobson	No
Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Clint Smith	No
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

Bryn reminds the commission and residents that this is a recommendation to the council so this will be before the City Council on June 12, 2014.

2.3 [8:15:25 PM](#) **21C14**- Castlewood Development – 12515 S 5600 W – Proposed development of 48 townhomes – Acres: 4.10 - Zone: C-2

Commissioner Jessica Morton **MOVES** to continue this item indefinitely.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Vice Chair Shakespear asks for a vote. The vote is as follows:

Commissioner Adam Jacobson	Yes
Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	No
Commissioner Robyn Shakespear	Yes
Commissioner Clint Smith	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes

Vote passed.
Motion carried.

2.4 [8:15:55 PM 01G14](#)– Herriman City – Amendment to the 2025 General Plan to add recently annexed property and make other amendments (*HEARING*)

Bryn briefly reviews proposed changes to the General Plan and explains that the biggest reason is due to the property that was just annexed in and to change density in different areas. She shows a side by side comparison an illustrates the biggest changes. She then reviews the text changes and explains that the wording will push for lower end of ranges for each of the areas. Higher densities are only achievable with a PUD and next to the transit.

Blayde Hamilton suggests that the area next to the corridor – the area we just talked about should be low density because he feels like that’s a natural barrier. The consensus of commission was the same.

[8:21:00 PM](#) Vice Chair Shakespear opens it up for public comment and calls for any citizen who wishes to speak to come to the podium and address the Planning Commission members.

Citizen Comments:

Brandon Pack, 5928 W. Grandpere Avenue, he questions whether the area next to him is for a fire station. The response was that a fire station was planned there. He feels that this area should be low density single family homes.

Tracey Creno, 12462 S Cheval Court, she readdressed the commission and expressed that she’s fine with a fire station going in there but whatever homes go in there that it needs to match the subdivision that’s already there.

Jared Henderson, 12568 S. Heritage Hill Court, readdresses the commission and reminds the residents that the this process has been a positive experience. He feels like residents really have been able to change the way the city is going in regard to density. He thanks the commission for listening to the feelings of the residents.

[8:27:30 PM](#) Vice Chair Shakespear closes the public comment.

Bryn reminds the commission that this is a recommendation to the council and asks them to please be clear in their motion.

A brief discussion between commissioners ensued regarding low density versus single family to provide a little bit of a buffer.

Brandon Pack, 5928 W. Grandpere Avenue, readdresses the commission and asks what areas they are talking about and then Commissioner Jacobson describes and points it out on the map.

Commissioner Adam Jacobson **MOVES** for recommendation to the council to adjust two parcels on 5600 W and 6000 W along Herriman Parkway to change it to single family.

Commissioner Clint Smith **SECONDED** the motion. Added a comment explaining that he is in favor of bringing down density where we can. He wants to make sure we maintain affordable options for all people who want to live in Herriman. A general plan is meant to plan the best that we can for future development but don’t want to be short sided and miss the boat when it comes to planning, (i.e. infrastructure, transportation and all those things that go along with it). He doesn’t want the commission to lose sight of continuing to look ahead as we see fit.

Commissioner Jessica Morton asks for clarification on the piece where there was a proposed development and rezoning instead of commercial. It was said that the zoning is still commercial.

Vice Chair Shakespear asks for a vote. The vote is as follows:

Commissioner Adam Jacobson	Yes
Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Clint Smith	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

Council Member Mike Day asks for clarification on the two pieces that were recommended to go to single family and wondered if one of those pieces was the one that was discussed tonight. The response was yes. The commission took opportunity to explain that it does not change the zoning of that piece just the density.

3. **NEW ITEMS OF SUBSEQUENT CONSIDERATION (OTHER):**

4. **ADJOURNMENT:**

Vice Chair Shakespear calls for a motion to adjourn.

Commissioner Clint Smith **MOVES** to adjourn the meeting at [8:43:03 PM](#)

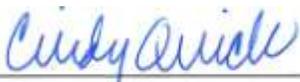
5. **FUTURE MEETINGS:**

5.1 City Council Meeting - Thursday, **May 22, 2014** @ 7:00 PM

5.2 Joint PC/CC Work Meeting - Thursday, **May 29, 2014** @ 6:00 PM

5.3 Planning Commission Meeting - Thursday, **June 5, 2014** @ 7:00 PM

I, Cindy Quick, Deputy Recorder of Herriman City hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 15, 2014. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, Deputy Recorder