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## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

*Thursday, September 4, 2014*

*Approved September 18, 2014*

### 6:00 P.M. Work Meeting

Attendance

Planning Commission Members:

Chris Berbert  
Blayde Hamilton  
Wayne Hill  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

Council Members:

Carmen Freeman

City Staff:

Bryn McCarty, Planning Supervisor  
Sandra Llewellyn, Planning Administrative Coordinator  
Heather Upshaw, Planner III  
Gordon Haight, Interim City Manager  
Augusto Robles, Engineering  
John Brems, City Attorney

Guests:

Please see the attendance sign in sheet

❖ Review of HTC Townhome Elevations

❖ Sagegate at Anthem

Please note that the audio recording did not work properly for this meeting.



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

### 1. **GENERAL BUSINESS:**

Welcome

[7:05:11 PM](#) Chair Smith welcomes those in attendance and begins the meeting.

#### Attendance

Planning Commission Members:

Chris Berbert  
Blayde Hamilton  
Wayne Hill  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

City Staff:

Bryn McCarty; Planning Supervisor  
Heather Upshaw, Planner III  
Sandra Llewellyn, Planning Administrative Coordinator  
Cindy Quick; Deputy Recorder  
Augusto Robles, Engineering  
John Brems, City Attorney

Guests:

Please see the attendance sign in sheet

- 1.1 [7:05:38 PM](#) Reverence / Thought: [Kristen Green](#)
- 1.2 [7:06:03 PM](#) Pledge of Allegiance: [Dan Wells](#)
- 1.3 [7:06:37 PM](#) Roll call: [Full Quorum](#)
- 1.4 [7:06:44 PM](#) Approval of Minutes for: [August 21, 2014](#)

Commissioner Chris Berbert **MOVES** to approve the August 21, 2014 minutes.

Commissioner Robyn Shakespear **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Chris Berbert	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

2. **REGULAR AGENDA:**

- 2.1 [7:07:05 PM](#) **14Co8-15** – Bach Investments, LLC – 5107 W Herriman Main St – Proposed Amendment to Approved Building Elevations

Planning Supervisor Bryn McCarty explains that this proposal was given during the last meeting but needed to be brought back to the commission today for a vote on the elevations.

Commissioner Blayde Hamilton **MOVES** to approve this item as long as they stay with earth tones and no reds (other than for accents) or bright colors.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Chris Berbert	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

- 2.2 [7:09:15 PM](#) **34C14** – Ivory Homes – 6656 W Brush Oak Drive – Conditional Use Amendment to Reduce the Rear Yard Setback for a Covered Deck – Acres: 0.22 – Zone: A-.25

Planning Supervisor, Bryn McCarty explains that because this is a PUD the commission has flexibility with the setbacks. She orients the commission with a site plan and an aerial view. She notes that she received no feedback on the notice.

Chair Clint Smith calls forward the applicant, Randy VanNatta, 12386 S. Stockade Lane, explains that the proposal is to build a covered deck. Comments that he is not encroaching a public utility easment.

Commissioner Wade Thompson **MOVES** to approve this item with two requirements from staff.

Commissioner Wayne Hill **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Chris Berbert	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

- 2.3 [7:12:49 PM](#) **35C14** – Green – 6617 W Black Sage Drive – Conditional Use Approval For a Secondary Unit – Acres: 0.33 – Zone: A-.25

Planning Supervisor, Bryn McCarty explains that this proposal is to allow the applicant to rent their basement. She notes that the owner has to live upstairs. She orients the commission with pictures showing parking and a site map. It was noted that all neighbors were notified.

Joe Green, 6617 W. Black Sage Drive, currently has his sister and brother-in-law living with him and he is creating a basement apartment for them. He explains there are two off street parking places behind a six foot vinyl fence. There is an existing walk out as well.

[7:14:59 PM](#) Chair Smith allows for public comment. No public comment was made.

A discussion regarding concrete parking and a fence took place amongst the commission. The applicant responds that he will be putting in a cement pad and a fence based on what is decided tonight.

Commission consensus was to include both fence and concrete pad for parking.

Commissioner Blayde Hamilton **MOVES** to approve this item with staff recommendations and item #3 for concrete parking and #4 for a six foot vinyl fence around the parking.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Chris Berbert	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

2.4 [7:18:13 PM](#) **36C14** – Cozad – 13903 S Dornoch Drive – Home Occupation of a Preschool Zone: R-1-10

Planning Supervisor Bryn McCarty explains that home occupations are typically reviewed by staff, notifications to neighbors are sent and if there are complaints we bring them before the commission. Complaint was received and then notifications to the neighbors regarding this meeting were sent out.

Suzie Cozad, 13903 S. Dornoch Drive, would like to have a business license for a preschool in her home. She turned in an application in July and it was lost. She was required to come back and refill the application out again. She provides the commission details about the preschool. She has three classes. The first class is Monday, Wednesday and Friday from 9:00am to 11:45am and currently has six kids enrolled. She notes that two of those children walk. She does have a three-car driveway that's used when the kids are being dropped off. The pickup time is a similar situation and she does have about five cars at a time. The second class is on Tuesday and Thursday from 9:00am to 11:30am and three children are enrolled. The third class is on Tuesday and Thursday from 12:00 noon to 3:00pm and only one child is enrolled in this class at this time. She does have a total of ten kids. However, six is the largest class at this time.

A brief discussion amongst commission and applicant regarding maximum number of children and whether or not she'll have programs took place. Her response was that her maximum for children would be ten (two of which are her own children). She plans on having a Christmas and Graduation Program.

[7:24:56 PM](#) Chair Smith allows public comment on this item.

Pam Miller, 13893 S. Dornoch Drive, is concerned about the preschool. She explains that Suzie Cozad does have children over the age limit for preschool. The drop off time takes more than just a few minutes. She is nervous that the children coming to preschool will run over into her yard and that she will then have liability. In the future, she feel that there should be more details about the proposed business with the notification that is sent around to the neighbors. She's concerned with the amount of large toys in Suzie Cozad's yard and wonders who would be liable for any damage to her property caused by these twos or other objects coming onto her property. This business is already causing problems with traffic when going to work. She presents the commission with a drawing of the street and issues of the parking problem that arises. She wonders if there will be employees and asks about schedules for classes. She further explains that safety is a concern when all the traffic comes through.

Chair Clint Smith reminds all those in attendance that this area allows for on street parking on both sides and calls forward the applicant to address the concerns raised. He reiterates the schedules of Suzie Cozad's classes as she already provided those details.

Suzie responds that she's never had anyone over the age of five. The ages of children enrolled is 2 ½ - 5 year olds. She reiterates that her largest class is six plus her two children which would make a total of eight. Her maximum will be ten including her two children.

Commissioners briefly discuss future plans and traffic concerns with the applicant.

Commissioner Blayde Hamilton asks if Suzie would be okay if they required a maximum of eight children. The response was yes, she'd be fine with that.

Pam Miller addressed the commission again and reiterated that she did have nine children on her property and notes that she currently has been practicing without a license.

A brief discussion amongst planning commission regarding concern for parking ensued.

Commissioner Wayne Hill asks staff to include a map showing other home based businesses with the notice sent to neighbors. Staff responds that they would be glad to if their program has that as an option. They note that some businesses may show up that are not active. Staff will work on a way to include a map.

Pam Miller asks commission why there aren't any codes regarding a preschool on our website. The response was that this is a conditional use ordinance and Suzie will be required to get a business license after the conditional use permit is approved. Pam is concerned with parking code 6-4-4 which talks about blocking driveways. The response was that parking in front of driveways is not allowed.

John Cozad (applicant's spouse), addresses commission and explains that he has a picture of the street and surrounding area that may help with the parking concerns. Chair Smith thanks John and explains that they do have an aerial view.

Commissioner Blayde Hamilton **MOVES** to approve this item with nine recommendations from staff and #9 showing state regulations be at 8 max and #10 that all extracurricular activities like Christmas Programs and Graduations be held off site.

Commissioner Wayne Hill **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Chris Berbert	Yes
Commissioner Wade Thompson	Yes

Vote passed.

Motion carried.

2.5 [7:46:36 PM](#) **38C14** – Fieldstone Utah – 12200 S 5100 W – Preliminary Planned Unit Development (PUD) of Single Family Lots and Townhomes – Acres: 152 – Zone: R-2-10 - Units: 955

Planning Supervisor Bryn McCarty explains that there have been work meetings and conversations regarding this PUD. She turns the time over to the applicant for a power point presentation.

Lynn Bowler, Bowler Development, explains that Fieldstone is one of the home builders in this development. He orients the commission with a PowerPoint Presentation. The presentation shows a site plan of the area and details the area for this proposed PUD. It shows a 30.4 acre parcel labeled as a future phase. This area was left blank in this presentation because of many unanswered questions. However, prior approval for this proposal included all of the property, including the 30.4 acre parcel and so they do understand this area needs to be included. He noted that they did decrease the density of the overall project. Currently they are proposing townhomes for the future phase, they mention that they'd like to do apartments in this area but understand that is not the desire of the commission and council. It is understood that trax is eminent for this area and they feel it makes sense to have apartments here. However, it would have to be rezoned to allow for apartments as they are currently not allowed. It was mentioned that this area will include trax as part of the proposal. This PUD will have CCR's. Pictures of streams, brick streets, slides and monument markers were shown to illustrate a theme for this development. He illustrates the main features of the development.

Commissioners questioned why commercial has not been proposed for the future phase. The response was because there is not an access from Mountain View Corridor and Herriman Parkway is so far away from this site, it would be difficult to get enough traffic to support commercial here. It would take 7-15 years in the future because this site is considered a "B or C" commercial site where mostly community businesses such as a hair salon would be able to be supported here.

A discussion about density, the trax line and parks and commercial areas for the future phase ensued. The applicant reiterates that he has done an extensive study for commercial use and responds that he will continue to look at commercial for the area. Planning commission consensus is for no apartments in this future phase.

[8:12:40 PM](#) Chair Clint Smith allows public comment at this time. He asks for comments to be brief and that a comment form is filled out.

Tom Anderson, 5882 W. Grandpere Avenue, is adjacent to the "orphan piece." He is concerned with Midas Creek and Butterfield Creek being designated flood plains. It is defined as FEMA zone A which has a 26% chance of flooding over the life of a 30 year mortgage. Will the developer do anything about this? The response was that lots are not allowed in the floodplain. He is also concerned that the numbers don't add up for the allowed density. The response was because roads and other things come out of the density. Tom wonders what the setback requirement is. It was explained that planning commission approves the setbacks in a PUD, it can be different for each phase. Adjacent to him would most likely be a 25 foot rear yard. Tom reports that he is in favor overall for this proposal. He likes the gradation of density from Mountain View corridor to the single family area.

David Watts, 14461 Windom Road, explains that he met with these builders and he desires a commercial aspect in this development. He also comments that increasing the density in a commercial area would be acceptable to him and asks the planning commission to consider higher density in the commercial area. He also expressed that the builders have been great in working with the community.

Brandon Pack, 5928 W Grandpere Avenue, concerned with the proposed density behind Grandpere. He feels fine with this area being residential but would like to see larger lots to keep consistent with the 1/3 acre lots currently in his neighborhood. He would love to see 3.0 – 3.5 dwellings per acre in this area.

Aaron Slagowski, 5942 W. Grandpere Avenue, echoes what Tom and Brandon have said and is also concerned with schooling in this area.

Commissioner Wayne Hill responds that there is a proposed elementary school between his house and the highschool. Chair Clint Smith explains that the planning commission has the same concern and is working diligently with the school district to find sites.

Elizabeth Jones, 12576 S Sunlight Hill Court, is concerned with flooding in the orphan piece of this area. She also wonders if there is an entrance and exit off of 6000 West into this subdivision. She also mentions concern with the heights in this development.

Chair Clint Smith explains that proper engineering for storm drain, detention and retention as well as access in the subdivision needs to be engineered properly.

Lisa Brown, 5908 W. Grandpere Avenue, seconds the comments to the orphan piece and expresses appreciation to the commission and council for listening to resident concerns regarding density. She is concerned about density for this development she'd like to see it more open.

Tom Anderson, presents information regarding the floodplain geological survey that came out this summer. He explains that the floodplain goes through Jeannette Lane, Cheval Court and Luzerne Court where houses have already been built. Houses shouldn't have been allowed to be built there and therefore he is concerned with the city's credibility. The response was that this information is new. He leaves a copy with staff.

James Miller, part owner for the property, explains that water will come through this area and it will not be able to be controlled. That is why there are natural creek beds.

Elizabeth Jones, enquires regarding the density for the SLR property and what the final density was. The response was 1900. Wonders what the reduced density amount in this proposal was.

[8:36:45 PM](#) Chair Clint Smith thanks those who shared their comments tonight and closes the public comment portion.

Lynn Bowler addresses a few of the questions/concerns tonight. He explains that the density has been reduced by 237 units and that accounts for the future phase area as well. He reports that he has been working with the Jordan School District regarding schools in this area. The school district is tasked to provide schools to every single student. Typically the planners at Herriman City submit a plan and then the school district will discuss plans with the developer. He reports that he will look at commercial areas for this development, he explains that he doesn't feel optimistic with the information he has already obtained. He reports that he made a commitment regarding the area by Grandpere. Area 16 – is proposed for three units per acre and area 17 – is proposed for four dwelling units per acre. He is open to continue to look at the density in this area. He also notes that they have addressed the drainage for this area, it is a tough site. They are in the process of doing a CLOMR floodplain study; it's expensive and extensive. Floodplain is already piped through the orphaned piece, going underneath 6000 West, across Herriman Parkway and daylighting on the Miller property. This piece is the best one as far as flooding goes.

Jason Harris, Fieldstone Homes, shows pictures representing the idea, look and feel for this property. He comments that traditional, colonial and craftsman estates are proposed for this development. Three to four different product types will be offered. An ally-load type product was shown. He understands that it's not popular amongst the commission but it is a product type that offers a different look and layout that may work with some of the parks designed. He shows pictures of current fieldstone homes which are front loading products that work well in small lots. Shows proposed elevations for the west side of the project and the orphan piece. He explains that many different styles will be throughout the project to create a community feel and give a sense of place and arrival. He reports that apartments feel possible next to the trax station and he just wants to plan for it if there is a use for it.

Chair Clint Smith thanks Jason Harris for his presentation and reports that next Wednesday evening UTA will be here presenting in the work session to the City Council beginning at 5:00pm.

Commissioner Wayne Hill comments that he likes what he's seeing and mentions that it seems to be moving in the right direction and only sees a few more tweaks.

Chair Clint Smith explains that a few changes need to be made and feels like it's appropriate to continue but asks commission to provide direction to the applicant that can help get this proposal in line for an approval.

Consensus of the commission is to include commercial areas in this development.

Commissioner Wayne Hill **MOVES** to continue this item indefinitely.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asks for a vote. The vote is as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes

