



PLANNING COMMISSION MINUTES

Wednesday, November 20, 2024

Approved January 15, 2025

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, November 20, 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 at Work Meeting: Brody Rypien, Darryl Fenn, Andrea Bradford, Jackson Ferguson, Heather Garcia, Alternate Forest Sickles, Alternate Preston Oberg

Excused: Adam Jacobson, Alternate Terrah Anderson (Online for the work meeting)

Staff Present: Planning Manager Clint Spencer, Deputy Recorder Angela Hansen, Planner I Laurin Hoadley, Assistant City Attorney Matt Brooks, Planning Director Michael Maloy, Economic Development Coordinator Sandra Llewellyn, Assistant City Manager Wendy Thomas, Communications Specialist Destiny Skinner, Deputy Chief of Police Cody Stromberg, and Staff Engineer III Josh Petersen

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

Chair Andy Powell called the 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 informed the commission the three recent Master Development Agreements (MDA) have been approved. There were a few red lines on the Rosecrest amendment. The City Attorney office identified a bunch of red lines for the South Hills MDA. He wanted to change the administrative language more to be in line with what his recommendations were. The

City Council set up a sub review committee to go over all the corrections. The Public Infrastructure Districts (PID) for these projects will be on the December City Council Agenda.

1.2. Review of Agenda Items – Planning Staff

Item 4.1 and 5.1 - Planning Director Maloy advised this development partner is very sensitive about their ongoing potential lease agreements for this project. He advised keeping the focus on the development. During the general meeting they will have development members in attendance to answer questions. There are tax incentives with timeline restrictions involved in the project. He recommended the Planning Commissions get their questions answered tonight to move this forward to the City Council. The presentation will be focused on the structure of what is being requested. The subdivision will be approved by the commission, but the Master Development Agreement (MDA) will be approved by the Council.

Commissioner Sickles inquired about the requested uses in the MDA. Some are marked as bank or credit unions; we have talked about limiting those. Their list of allowable land uses was extensive. The Planning Director Maloy counseled they could make a recommendation to remove uses the commission had concerns with.

Commissioner Ferguson queried about the second entrance on 13400 South not having a deceleration lane. Staff Engineer Petersen conveyed the CVS sits really high, so it would need to match that elevation which would exceed the allowable slope. He clarified the one further west will not have a deceleration lane but, the east one will have the lane.

Item 5.2- Planning Manager Spencer advised there is an opportunity for a regional park that will take away about 77 units from their project. This request will add 17 units back into their property to the South. Assistant City Manager Thomas communicated there are still a lot of hurdles to getting the regional park approved. There will be more community open house meetings in January to get feedback about the park.

Assistant City Manager Thomas advised new legislation has already started to come through. She requested the commission to reach out if they hear anything about local planning, housing, and zoning items so they can keep up with the items. She sought any items they would like the city to support.

1.3. Review and discuss the Land Development Code, Adopted Standards, Planning Policies, and Best Practices for Herriman City – Michael Maloy, Planning Director

Planning Manager Spencer briefed staff has been learning to use ArcGIS Urban. It has a lot of 3D and matrix building capabilities. The staff is using the tool to help analyze projects. Planning Director Maloy conveyed the idea is to model the impacts and potentially improve developments and proposals for the city and the developer. Planning Manager Spencer disclosed the program uses data mining but also allows the user to add their own data.

Multiple short training videos were shown with quick discussions after.

2. Adjournment

Commissioner Sickles moved to adjourn the meeting at 6:59 p.m. Seconded by Commissioner Ferguson and all voted aye.

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

3. Call to Order

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

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

Shane Hyer 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 October 16, 2024 Planning Commission Meeting

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/11-20-24/Item+3.4+Draft+Minutes+10-16-2024.pdf>

Commissioner Garcia motioned to approve the Minutes for the October 16, 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. Review and consider a preliminary subdivision plat for a ten (10) lot mixed-use development located approximately at 4900 W 13400 South in the MU-2 Zone. (Public Hearing)

Applicant: Sean Harty, Elevated Property Acquisitions, LLC (Authorized Agent)

Acres: 35.1

File No: S2024-127

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/11-20-24/Item+4.1+Staff+Report.pdf>

Chair Powell communicated items 4.1 and 5.1 will have a combined presentation with separate hearings and separate motions.

Planning Director Maloy revealed this is a subdevelopment opportunity in the Herriman Towne Center (HTC) Development. The subject property map was shown. The first proposal to this property is a preliminary subdivision plat for MU-2 mixed use zone for commercial and residential development. The second proposal is for The Commons at Herriman Master Development Agreement (MDA). This is also a MU-2 mixed use zone. It implements the HTC land use plan and modifies the design guidelines for HTC. The HTC MDA is not applicable since this is a third-party property owner. The MDA portion would be a recommendation to the City Council. The subdivision plat is a decision made by the Commission tonight. This property is owned by a third-party owner that could opt in to the existing project, they are subject to the HTC Planned Unit Development (PUD) but not the MDA. They chose to create their own MDA.

Planning Director Maloy informed the commission the development team has multiple people here for their presentation.

Applicant Sean Harty affirmed he is with Elevated Property Acquisition, LLC. He gave a brief history of the group. This project is called The Commons. The site plan was shown. He is proud of their ability to create place making areas. The design of the plaza was shown. It will have a very mixed use feel with interesting components including terrace seating, lawn area, restaurant seating, and a water feature. The project will have a residential area behind the plaza. Renderings of the buildings were shown. The site plan was shown with the preliminary plat. He expressed his excitement about the project and eagerness to get it started.

Commissioner Ferguson acknowledged he was not aware of a conflict-of-interest prior. He excused himself from the meeting.

Brody aired his appreciation for the renderings and the site plan.

Chair Powell clarified the public hearing was for the preliminary subdivision plat.

Chair Powell 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 Fenn raised concern over the traffic on Mountain View Corridor (MVC) turning right onto 13400 South having only five hundred feet before turning right onto Towne Commons Dr. He questioned whether staff had reviewed the distances. Staff Engineer Petersen counseled the transportation team had looked at the project extensively. Chair Powell communicated access will not be allowing a left turn out of the Towne Commons Dr onto 13400 South. 13400 South will be right in, right out with a left in. Commissioner Sickles pointed out the traffic study is more involved in the MDA for the next item. Commissioner Fenn conveyed he was after some assurance that staff had reviewed the traffic study.

Commissioner Garcia moved to approve item 4.1 Review and consider a preliminary subdivision plat for a ten (10) lot mixed-use development located approximately at 4900 W 13400 South in the MU-2 Zone.

Commissioner Oberg 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	Aye
Alternate Terrah Anderson	Absent

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 the City Council for a new Master Development Agreement known as The Commons at Herriman Towne Center for a mixed-use project located at approximately 4900 W 13400 South. (Public Hearing)**
Applicant: Sean Harty, Elevated Property Acquisitions, LLC (Authorized Agent)
Size: ±35.1 Acres
File No: M2024-126

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/11-20-24/Item+5.1+Staff+Report.pdf>

Chair Powell conveyed the presentation was previously given.

Chair Powell opened the public hearing.

No comments were offered.

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

Commissioner Sickles aired the traffic study was his major concern. Staff Engineer Petersen explained that City Engineer Terry reviewed the traffic study. He can reach out to him for comment. Commissioner Sickles disclosed he was concerned with the comment of over 2,000 feet of back up in peak hours. Applicant Sean Harty acknowledged some traffic issues can't be fixed until the MVC freeway is completed. Chair Powell relayed the completion of this project, and the completion of the freeway will be fairly close. Commissioner Fenn admitted he appreciated the studies, but he feels it's too tight between the MVC and the new road. He detailed his dislike of the left in off 13400 South. Commissioner Oberg countered that traffic would get backed up at the light, he believes the majority would turn left at the light and then turn right into the development. Commissioner Oberg expounded there are a lot of access points to this area for people to adjust their routes.

Deputy Chief of Police Stromberg disclosed having attended meetings with the engineering team to improve traffic safety the traffic volume is a concern, but the biggest driver of crashes is the amount of conflict points of opposing directions. Commissioner Oberg expressed his view that this area is already going to have a lot of traffic, adding a development won't change the amount of traffic. Chair Powell admitted there are different ways to look at traffic such as pass by trips and destination trips into the developments.

Commissioner Sickles spoke about the importance of the city maintaining desirable tenants, businesses and services. Whether it needs to limit what it shows on the MDA or not he will leave the decision of changes to the City Council. Applicant Sean Dennison disclosed their intent was not to scare anyone with the uses. They wanted to create the envelope large enough that it was helpful as to not have to come back later and do this again. Commissioner Bradford indicated the commission could add a suggestion to the City Council to remove a few of the unwanted uses. Commissioner Rypien outlined the design guidelines and standards will self-mitigate those issues. Applicant

Dennison disclosed the parking standards will also limit those uses. Commissioner Bradford disclosed she was more concerned about credit union and car wash limits in the city. Commissioner Sickles raised concern with the uses such as outpatient treatment center, telephone/radio communication office or commercial swimming pool. Applicant Dennison countered they want the ability to allow a fitness center to add a pool and med spas are considered outpatient treatments. The more you try to limit what you want today the more you limit what you need tomorrow. They are happy to talk about any particular use limits. They do a lot of retail office space but conventional office is not in their plans, but not to say they wouldn't do it later. Planning Director Maloy disclosed the MDA is limited to 15 years; it then resorts back to the city code standards. Commissioner Sickles clarified the MDA gets eliminated whether they have finished or not. Commissioner Rypien indicated the demographics of the area will limit itself.

Commissioner Rypien moved to forward a positive recommendation of approval to City Council of item 5.1 Review and consider a recommendation to the City Council for a new Master Development Agreement known as The Commons at Herriman Towne Center for a mixed-use project located at approximately 4900 W 13400 South

Commissioner Oberg 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	Aye
Alternate Terrah Anderson	Absent

The motion passed unanimously.

5.2. Review and consider a recommendation to the City Council to amend the Teton Ranch Master Development Agreement to add seventeen (17) additional single-family lots at approximately 12300 S Mustang Trail Way in the R-1-10 Single Family Residential Zone. (Public Hearing)

Applicant: Ryan Button (property owner)

Acres: ±128

File Number: M2024-115

<https://herrimancity-meeting-files-pc.s3.us-west-1.amazonaws.com/11-20-24/Item+5.2+Staff+Report.pdf>

Planning Manager Spencer revealed this request is from the Teton Ranch MDA. The subject property map was shown. The proposal includes the potential for a regional park to be installed on the north side of Teton Ranch Drive. This would cause them to lose 77 lots north of Teton Ranch Drive. This amendment will allow them to add 17 lots south of Teton Ranch Dr. It meets the zoning and general plan compliance requirements. The MDA would need to be updated to 707 total units when the regional park happens. Staff recommends a positive recommendation with 2 conditions 1. Applicant has ability to add 17 units to area shown for total of 707 units, to provide for

the 56-acre regional park. 2. If and when the regional park is provided, the applicant will update MDA documents to reflect current conditions with updated unit counts.

Applicant Ryan Button -Online- He expressed he had nothing to add but appreciated the work on the presentation. They will keep working towards the bigger vision and goals of the city.

Chair Powell opened the public hearing.

Resident James Norwood queried if this amendment would decrease or increase the park acreage.

Resident Chad Williams wondered how this will impact the timeline completion of the park and the trail that runs right by it.

Resident Kenny Parkinson sought if extra thought was put in for the parking at the regional park. He doesn't want people parking on the neighborhood street.

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

Assistant City Manager Thomas conveyed the Midas Creek Trail extension will be completed next year. Jackson Park has a couple projects ahead of it and then hopefully it will get moved up depending on funding. The regional park will have a parking study done prior to installation. There are a lot of hoops to jump through before that park comes together. The total acreage for Jackson Park is 8 acres with no reductions and the regional park will add 56 acres. Commissioner Rypien pressed if the county would help fund the regional park. Assistant City Manager Thomas conveyed they are hoping for some county funding but are unsure how it will all work out yet.

*Commissioner Garcia moved to forward a positive recommendation of approval to City Council of item 5.2 **Review and consider a recommendation to the City Council to amend the Teton Ranch Master Development Agreement to add seventeen (17) additional single-family lots at approximately 12300 S Mustang Trail Way in the R-1-10 Single Family Residential Zone including staffs two recommendations of 1. Applicant has ability to add 17 units to area shown for total of 707 units, to provide for the 56 acre regional park. 2. If and when the regional park is provided, the applicant will update MDA documents to reflect current conditions with updated unit counts.***

Commissioner Fenn 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	Aye
Alternate Terrah Anderson	Absent

The motion passed unanimously.

6. Chair and Commission Comments

7. Future Meetings

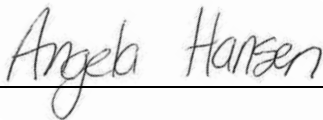
7.1. Next Planning Commission Meeting: December 4, 2024

7.2. Next City Council Meeting: December 11, 2024

8. Adjournment

Commissioner Oberg moved to adjourn the meeting at 8:00 p.m. Seconded by Commissioner Garcia and all voted aye.

I, Angela Hansen, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 20, 2024. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Angela Hansen
Deputy City Recorder