



HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, October 2, 2014

Approved November 6, 2014

6:30 P.M. Work Meeting

Attendance

Planning Commission Members:

Chris Berbert
Blayde Hamilton
Wayne Hill
Adam Jacobson
Robyn Shakespear
Clint Smith

City Staff:

Bryn McCarty; City Planner
Sandra Llewellyn, Planning Administrative Coordinator
Heather Upshaw, Planner III
Cindy Quick; Deputy Recorder
Blake Thomas, City Engineer

Guests:

Please see the attendance sign in sheet.

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

1. **GENERAL BUSINESS:**

Welcome

[7:05:49 PM](#) Chair Clint Smith welcomes those in attendance and begins the meeting.

Attendance

Planning Commission Members:

Chris Berbert
Blayde Hamilton
Wayne Hill
Adam Jacobson
Robyn Shakespear
Clint Smith

Council Members:

Coralee Wessman-Moser

City Staff: Bryn McCarty; City Planner
Sandra Llewellyn, Planning Administrative Coordinator
Heather Upshaw, Planner III
Cindy Quick; Deputy Recorder

Guests: Please see the attendance sign in sheet.

- 1.1 [7:06:11 PM](#) Reverence / Thought: [Wayne Hill](#)
- 1.2 [7:06:37 PM](#) Pledge of Allegiance: [Terry Chisholm](#)
- 1.3 [7:07:08 PM](#) Roll call: [Full Quorum, Jessica Morton, Wade Thompson and Jeramy Burkinshaw absent](#)
- 1.4 [7:07:14 PM](#) Approval of Minutes for: [September 18, 2014](#)

Commissioner Robyn Shakespear **MOVES** to approve the minutes for September 18, 2014.

Commissioner Chris Berbert **SECONDED** the motion.

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

Commissioner Chris Berbert	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2. **REGULAR AGENDA:**

Chair Clint Smith explains that item 2.5 on the agenda has been continued pending approval of the rezone with City Council. He reminds those in attendance to fill out a comment form if wishing to speak about any of the items on the agenda tonight.

- 2.1 [7:08:39 PM](#) ~~41C14~~ – LeGendre – 13054 S Padstow Lane – Home Occupation for a Day Spa Acres: .03 – Zone: MU-2

City Planner Bryn McCarty explains that home occupations are typically approved by staff, however they received a complaint and so it's been brought to the commission tonight. The HOA had originally denied this request but has since approved it.

Hank LeGendre, speaking on behalf of his wife, lives at 13054 S. Padstow Lane. He briefly describes the details of the home occupation. He explains that his wife will provide spa treatments and procedures for approximately 3-4 clients per week. Clients will park in the home owners' driveway while they receive their treatments. He reports that the lady who had complained called Noel and Noel talked to her and explained her plans for the business and the lady said she felt perfectly fine. Hank LeGendre responds to a question about expanding the business in the future and explains that she may expand but she does have an official office in Draper and another one pending in Park City. Most of her time will be spent in those offices. This home business is more for friends and family. The driveway will always be sufficient for parking because she will only be able to have one customer at a time and the appointments will not overlap.

Chair Clint Smith allows public comment. There were no comments on this item.

Commissioners briefly discuss the proposed home business. Comments made were that the HOA approved it and it is a low impact business.

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

Commissioner Robyn Shakespear **SECONDED** the motion.

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

Commissioner Chris Berbert	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:14:37 PM](#) **15S14** – D.R. Horton – 5100 W Arete Way – Review of Building Elevations and Materials for Rosecrest Village Plat 1 & 2 – Acres: 2.5 – Zone: R-M

City Planner Bryn McCarty explains that the commission already approved the plat amendment and asked the applicant to bring back the elevations and material boards. Planner McCarty turns the time over to the applicant.

Dan Reeve, DR Horton, Draper, (applicant) orients commission with a presentation showing site map, pictures of current town homes at the corner of Juniper Crest and Mount Ogden Peak Drive, pictures of the color boards to illustrate color schemes and front and rear elevations for the 6-plex.

A lengthy discussion regarding the building materials took place. The consensus amongst the commissioners was to have alternating colors for the gables in each building and to not have green stucco for the entire building as part of the color schemes.

Chair Clint Smith asks commission about allowing public comment on this item tonight. All commissioners present were in favor.

[7:29:10 PM](#) Chair Smith calls for any citizen wishing to make public comment to come to the podium and address the Planning Commission.

Citizen Comments:

Terry Chisholm, 14572 Pebble Rose Drive, serves as the vice president of the HOA board and is here on their behalf. The governing documents indicate that plat changes requires 2/3rds vote of the community. Neither Momentum nor DR Horton came before the board for a vote. Therefore, DR Horton did not receive appropriate approval for these plat changes. He does recognize the plat change has been approved by the commission. He asks commission if they would be willing to postpone these elevation changes until they can meet with DR Horton in a month.

David Watts, 14461 Windom Road, he lives in the HOA. DR Horton has agreed to meet with the community to have conversations regarding these changes. They have not done that yet. He asks the commission to continue this approval until the members of the HOA can sit down with DR Horton in a couple of weeks. He supports not having green stucco, as well.

[7:32:20 PM](#) Chair Smith turns to the commission for further discussion. The consensus from commission was that the elevations are the only issue before us tonight.

Terry Chisholm responds to a question as to whether the HOA has oversight on materials and color schemes for the building elevations and explains that they have some oversight but does not know to what extent.

Dan Reeve states that in the past when Momentum controlled the HOA there was no request for color boards or color schemes. He mentions that they have been trying to meet with the HOA to go over the elevations and have not received a response until after the last Planning Commission meeting. His request is for the commission to approve this change, based on what has been requested from him thus far.

Commissioner Adam Jacobson **MOVES** to approve this item with color scheme two and three to remove the green stucco, stucco color one (okay if they alter the colors around from the other color stucco boards but doesn't like the green stucco) and would also like to remove shutters on the buildings.

None of the Commissioners seconded the motion.

Commissioner Blayde Hamilton **MOVES** to approve this item with the same motion Commissioner Jacobson made except to make it subject to the HOA approval or with an addition of one more requirement to gain HOA approval.

Commissioner Wayne Hill **SECONDED** the motion.

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

Commissioner Chris Berbert	No
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	No

Vote passed.

Motion carried.

2.3 [7:44:10 PM](#) **16S14** – Eagan – 13791 S 7300 W – Proposed One Lot Subdivision – Acres: 1 Zone: A-1 – Units: 1 (**PUBLIC HEARING**)

City Planner Bryn McCarty reports that this is a one lot subdivision, one acre and mentions that they did inform the neighbors.

Rufie Eagan, 13791 S 7300 W, his current address is 14387 S Palo Alto Drive (applicant) wants to build a home for kids and wife.

[7:45:44 PM](#) Chair Smith opens up the meeting for public comment and calls for any citizen who wishes to speak to come to the podium and address the Planning Commission.

Citizen Comments:

No comments.

[7:46:07 PM](#) Chair Smith closes public comment.

Discussion amongst commission. This lot will be less than one acre with the dedication of the road. Applicant responds that it will be .90 with dedication of the road. City Planner McCarty explains that this lot will be non-comforming because of the zoning. You may want to rezone it some time in the future because you may lose some of your animal rights and uses. Commission wants applicant to be aware that the potential exists and wants him to understand the differences if he has to rezone.

Commissioner Wayne Hill **MOVES** to approve this item with the four requirements from staff.

Commissioner Robyn Shakespear **SECONDED** the motion.

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

Commissioner Chris Berbert	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.4 [7:48:21 PM](#) **17S14** – Egbert – 6317 W 14300 S – Proposed One Lot Subdivision – Acres: .95 Zone: A-.25 – Units: 1 (**PUBLIC HEARING**)

City Planner Bryn McCarty orients the commission with a site plan and explains that this property has never been subdivided and so we are doing a legal subdivision. The back lot does control the driveway. The house does access off the same driveway. There will be a little bit of road dedication, a turn around and fire requirements. The only other issue is the pavement for the driveway and requests from the commission what they want done with that.

Joe Egbert, 11971 S. Powder Cove, wants to build a house. He is the owner/builder. The road has been in place for 15 years and the property owners (Martins) have maintained it until now. It is a compacted gravel driveway and the fire inspector is fine with it, as long as that remains to just service the one lot and the Martins'. The plot plan does have a hammer head turn around to allow fire apparatus'. No issues with maintaining access for the front lot. None of the road is paved; it's pretty solid, even with the weather.

[7:52:02 PM](#) Chair Smith opens up the meeting for public comment and calls for any citizen who wishes to speak to come to the podium and address the Planning Commission.

Citizen Comments:

Angie Martin, 6307 W. 14300 S., she has a permanent ingress/egress right of way going to Egberts back lot. There is a possibility that he will have to pull utilities across from the lot west. She is concerned that the city had given Joshua Barlow at 14353 S. Hilsdale Lane a permit to put up a retaining wall that goes over her permanent right of way. Mr. Egbert will be tapping into that right of way. She quotes from the permit. Permit # 32-11 Parcel 32-11 100-046. She wonders why this permit was allowed. She is responsible for the length of the property to allow connection to the meter. She will have to dig down 15 feet deep to provide that access.

A brief discussion ensued with Angie Martin and the commission. She mentions there is sluff off of dirt onto her road from the lot west of her. Chair Clint Smith informed Angie Martin that staff will look into these items.

Jennifer McCallum, 14369 S. 6350 W., lives directly west of the proposed property. She requests that the planning commission give the same level of detail to these one lot subdivisions as they do with any other development in the city. The subdivision to the west has been raised so that all their water is draining onto her road causing massive problems. One concern is access. How will the new homes access from her road. She wonders how close someone can build to her back yard property line. Currently there is an out building sitting on her property line. The owner by her, literally put ads in the paper to drop their junk on his property, and he built a retaining wall out of that junk. She has huge concerns regarding the type of homes being built on the subdivision and also is concerned with blasting. She mentions concerns with whether or not this home will have sewer or septic. She comments that she doesn't want any dirt on her property during construction.

[8:04:28 PM](#) Chair Smith closes public comment.

City Planner Bryn McCarty reports that the City Engineer is aware of most these issues and they need to go through engineering for utilities and the other issues mentioned tonight. Angie Martin and Jennifer McCallum reported that they have talked to the Code Enforcement Officer but nothing stopped the wall being built. Angie Martin reported that when the builder changed the topography it caused her basement to be flooded and she had to pay for that. She is looking at getting an attorney and feels that if some research had been done it wouldn't have happened in the first place.

Discussion amongst the commission. Chair Clint Smith reminds commission that these issues are issues with the surrounding properties not this property being proposed this evening. The consensus of the commission is that the main concern is the road and a discussion about the road ensued. Joe Egbert will be required to maintain the road. The road is a 400 foot road. Joe Egbert is nervous about being required to pave it he explains that it would be a huge expense and infeasible to him. A lengthy discussion about the road grade took place.

Applicant presented an option to build a detention pond on the east side of his property and a lengthy discussion ensued.

Commissioner Blayde Hamilton **MOVES** to approve this item with staff requirements and get rid of number four because he would have to pave back to the Martin's driveway. If the road alignment on 14300 S is not completed to where he can tie into it at occupancy than he has to come back with some type of design and plan of how it would tie in and work through engineering to do that.

Commissioner Wayne Hill **SECONDED** the motion.

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

Commissioner Chris Berbert	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.5 [8:42:45 PM](#) **40C14** – Anthem Utah LLC – 5350 W Anthem Park Blvd – Final Planned Unit Development (PUD) Approval of 422 'Class A' Apartments – Acres: 13.69 Zone: R-2-10 – Units: 422 (*Continued from September 18th, 2014*)

Commissioner Chris Berbert **MOVES** to continue this item indefinitely.

Commissioner Robyn Shakespear **SECONDED** the motion.

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

Commissioner Chris Berbert	Yes
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Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wayne Hill	Yes
Commissioner Adam Jacobson	Yes

Vote passed.
Motion carried.

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

4. **ADJOURNMENT:**

Chair Clint Smith calls for a motion to adjourn.

Commissioner Adam Jacobson **MOVES** to adjourn the meeting and the motion passed unanimously.

Meeting adjourned at [8:43:46 PM](#).

5. **FUTURE MEETINGS:**

5.1 City Council Meeting - Wednesday, **October 8, 2014** @ 7:00 PM

5.2 Planning Commission Meeting - Thursday, **October 16, 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 October 2, 2014. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, Deputy Recorder