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## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

*Thursday, May 21, 2015*

*Approved June 4, 2015*

[6:08:26 PM](#) **6:00 P.M.** ~ Work Meeting (Open to the Public)

**Attendance**

**Planning Commission Members:**

Chris Berbert  
Blayne Hamilton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

**Council Members:**

Mayor Freeman

**City Staff:**

Heather Upshaw, Planner III  
Sandra Llewellyn, Planning Administrative Coordinator  
Gordon Haight, Assistant City Manager  
Blake Thomas, City Engineer  
John Brems, City Attorney

**Guests:**

Please see the attendance sign in sheet.

Heather Upshaw, Planner III turned the time over to Greg DeHaan for a working discussion regarding a rezoning of his property. He explained that he would not have enough room for a 50 foot road but could do a 25 foot road. He would install curb and gutter on both sides. This proposal would require the commission to recommend it to the council. Commission expressed concern about a private lane; it could become an issue for the city in the future.

Heather Upshaw, Planner III turned time to Doug who spoke to the planning commission about a .77 acre lot which is bank owned. This parcel will have to go through a foreclosure procedure of 180 days. However, Bob Bardsley's piece is not included in the foreclosure. Doug explained that he will spend money to get the property cleaned up and inspected. He would like to build a model home so that they can start pre-selling in that subdivision. He stated that a precast wall will be installed along Rose Canyon Road. The model home would be placed on one of the lots with a shared driveway. Commission commented that this option would give an extra lot in this subdivision that was not originally approved and that the shared access is not something that they would like to do.

Heather Upshaw, Planner III made the commission aware of monument signs which will be at the entrance of the Lake Ridge subdivision which is above the Black Ridge Reservoir. These signs are part of a PUD.

Heather Upshaw, Planner III reviewed the agenda. Mr. Skinner will show pictures of the building and some 3-D renderings as requested at the last meeting. She reminded the commission that this building does meet the current ordinance. Chair Smith commented that they will not take public comment because it was already noticed and a public hearing already took place. Item 2.2 is Bach and the public hearing was not closed. The applicant is asking to combine three parcels to include a middle parcel with his existing subdivision approvals. The applicant will give a presentation and wants higher density. Item 2.3 is a restaurant. The plat would need to be amended to include a building on this lot in the future. Right now he is only building the restaurant. The parking impact study would allow him to have a 15% reduction in parking. Staff was comfortable with the parking layout for this mixed use zone because the hope is for a walking community. Item 2.4 is a commercial subdivision which came through years ago however, the approval has expired. The applicant is a new owner who would like the plat approved because of potential tenants. Fencing for the subdivision was addressed. Item 2.5 is a text change for density criteria. Item 2.6 is a cleanup item for clustering. Item 2.7 is for single family design criteria. Staff would like to add a "Disney exception". A discussion about availability for the commission meeting on July 2 took place. Chair Smith suggested avoiding the meeting if possible and to hold the meeting only if there are pressing items due to the Fourth of July weekend.

Chair Smith reviewed which items should have public comment.

[6:59:50 PM](#) Adjournment



[7:06:55 PM](#) 7:00 P.M. ~ Regular Planning Commission Meeting

**Attendance**

**Planning Commission Members:**

Chris Berbert  
Blayde Hamilton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

**Council Members:**

Mayor Freeman

**City Staff:**

Heather Upshaw, Planner III  
Sandra Llewellyn, Planning Administrative Coordinator  
Cindy Quick, Deputy Recorder  
Gordon Haight, Assistant City Manager  
Blake Thomas, City Engineer  
John Brems, City Attorney

**Guests:**

Please see the attendance sign in sheet.

**1. GENERAL BUSINESS:**

Chair Smith welcomed those in attendance.

1.1 [7:07:20 PM](#) Reverence / Thought: [Cheryl Jones](#)

1.2 [7:08:16 PM](#) Pledge of Allegiance: [David Watts](#)

1.3 [7:08:49 PM](#) Roll call: Full Quorum, Adam Jacobson, Wayne Hill, Jeremy Burkinshaw and Jessica Morton absent

1.4 [7:09:04 PM](#) Approval of Minutes for: **May 7, 2015**

Commissioner Chris Berbert **MOVED** to approve the minutes for May 7, 2015.

Commissioner Robyn Shakespear **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wade Thompson	Yes
Commissioner Chris Berbert	Yes

Vote passed.

Motion carried.

Chair Smith reads the comment policy and procedure.

## 2. **REGULAR AGENDA:**

2.1 [7:10:56 PM](#) **10C15** – Skinner – 13247 S 5800 W – Proposed Accessory Building – Zone: A-.25 Acres: 1 (**Continued from May 7, 2015**)

Heather Upshaw, Planner III oriented the commission with aerial maps, site plan, renderings, pictures of the home and the building being proposed.

KC Skinner (applicant), 13247 S 5800 W, provided plans to the commission. He commented about the landscaping that will be installed and a holding pond to retain water runoff. He explained that logs were left off the front of the building in the drawing in error. However, he'd rather not put logs on the front of the building because he plans to update his current home in the near future and would like the building to match the new look of the home.

Chair Smith turned time to the planning commission for further discussion. Planning Commission members would like Mr. Skinner to work with engineering regarding water retention. Chair Smith asked staff the amount of trees that were required along the side of the lot and suggested requiring more than four.

Mr. Skinner was not worried about the number of trees to be required he was more concerned with the size of the trees to be required. Commissioner Chris Berbert felt that he could be allowed to put up cultured stone on the front of the building to meet the long term goal for his home. Chair Smith agreed but was concerned with the color of the building. Commissioner Blayde Hamilton doesn't have a problem with the building especially if he is going to use it for storage.

Commissioner Chris Berbert requested that water retention be based on engineering approval and to allow that the front of the building be cultured stone and to require more trees to cover the side yard. A brief discussion about trees took place. It was decided to have four trees on the 60 foot side and six trees on the south side.

Commissioner Blayde Hamilton **MOVED** to approve the item with staff recommendations and adding number seven that there are four trees on the 60 foot side and 6 trees on the south of the 100 foot side. Adding two conditions; one to work with engineer staff on the water retention and number nine to use cultured stone on the front side of the building.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	No (not comfortable with the height)
Commissioner Wade Thompson	Yes
Commissioner Chris Berbert	Yes

Vote passed.

Motion carried.

2.2 [7:28:19 PM](#) **03S15** – Bach Investments, LLC – 13300 S 7300 W – Proposed Subdivision of 42 Single Family Lots – Zone: A-.25 and R-1-15 – Acres: 15 – Units: 42 (PUBLIC HEARING was opened on April 2, 2015)

Heather Upshaw, Planner III oriented the commission with an aerial map and site plans.

Randy Rindlisbacher (applicant), Bach Homes, turned time over to his daughter for the introduction. His daughter was in attendance for a job shadow day. Bryn Rindlisbacher, 13958 Newburgh Dr, presented Sunrise Pointe Subdivision by Bach homes and commented what a beautiful subdivision it was and turned the time back to her father. Mr. Rindlisbacher showed the current zoning map and outlined where the property would be located. The current zone is for A-.25. He reported that zones around the parcel are R-1-10 and approved density is 3.0. He outlined several improvements in the development hoping those improvements would allow for higher density. Applicant to install a 10' park strip outside the right of way, dedicate and install a system improvement with a sewer line north to south allowing other developments to tie into the system, and they are combing two or more properties to create one larger project. Mr. Rindlisbacher expressed concern with staff report, condition #10, stating that no reimbursement shall be provided for 7300 West. He felt that had been copied and pasted from a prior approval in error. He asked for 2.8 units/acre average across the three parcels. Chair Smith asked about onsite detention the response was that detention will be permanent underground retention. Blake Thomas, City Engineer commented that he still needed to work with the maintenance staff for further requirements regarding underground retention, however, the initial submission looked promising. Engineer Thomas commented that the sewer line felt like more of a project improvement then a system improvement, however, he would defer to the sewer district to look at that. He did feel like another property would be able to tie into it and benefit from it. Mr. Rindlisbacher reported that the sewer district would like to have a stub-in available for the parcel to the south. Gordon Haight, Assistant City Manager reminded commission about the history density increases allowed through the county criteria. The city changed the criteria and the middle piece would be eligible for reimbursement unless tied to a density increase. Mr. Rindlisbacher explained that he doesn't want reimbursement if he is allowed the higher density. He reminded the commission that he would install a precast wall and felt that should be considered to allow higher density.

[7:56:20 PM](#) Chair Smith continued the public hearing from the previous meeting and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

Larry Turner, 7256 W 13320 S, questioned where the easment for the sewer line would be. He asked if the applicant would be required to install curb, gutter and sidewalk along 7300 West.

[7:57:49 PM](#) Chair Smith closed the public hearing.

Mr. Rindlisbacher commented that the easment for the sewer line has not been finalized. He was waiting for approval from the planning commission. The easment would be added to the plan once it's finalized.

Chair Smith turned time to the planning commission for further discussion. Commissioner Blayde Hamilton felt there was no reason to give a higher density for this parcel he would like to work through other options with the applicant. Commissioner Chris Berbert explained that with the new criteria it would be tough for him to get a higher density than 2.0. Chair Smith expressed that the planning commission has worked hard to get away from the idea of setting precedent by establishing density criteria. Each proposal is looked at individually. He felt the plan presented does have advantages. He felt that lots not fronting 7300 West is a plus, however, he didn't feel that justified the density requested. Commissioner Blayde Hamilton agreed with Chair Smith he liked the plan but not the density. Chair Smith suggested adding a mix of lot sizes in this development.

Mr. Rindlisbacher stated that he would walk away from the middle parcel if the 12 lots are not approved, the parcel will just sit there but he will develop the other two lots as already approved. He suggested the commission deny the nine lots so he doesn't lose his prior approval.

A discussion with the applicant to deny or continue to a work meeting took place. Planning Commission felt passionate about sticking to the general plan and the developer felt passionate about receiving higher density.

Commissioner Blayde Hamilton **MOVED** to continue the item with no date.

Commissioner Robyn Shakespear **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wade Thompson	Yes
Commissioner Chris Berbert	Yes

Vote passed.

Motion carried.

2.3 [8:27:05 PM](#) **12C15** – Cook – 5418 W Herriman Main St – Proposed Restaurant –  
Zone: MU-2 Acres: 1.5

Heather Upshaw, Planner III oriented the commission with an aerial map and site plan for the restaurant. She explained that the proposal shows a restaurant and a future building. This would be one lot and in the future the applicant could subdivide. She showed the renderings of the building and commented that parking questions can be addressed by the applicant. Item #7, the subdivision plat, should be taken off. Commissioner Chris Berbert asked about the traffic study. The response was that the traffic study in the packet was just for reference and that the traffic study would come from an engineer.

Jeremy Bringard (applicant), Babcock Design Group. The client is ER Cook and America Cook, their vision for this restaurant is French Style Cuisine with lunch, breakfast and possibly dinner in the future. The design of the building is a French motif. Material boards were presented to the commission.

Commissioner Wade Thompson asked about the signage for the building. The response was the building sign would be on the entrance and a monument sign would be placed on the corner of Main Street and Rose Boulevard.

Chair Smith reported that comments submitted for this item will be made part of the public record.

Commissioner Chris Berbert liked the plan and felt it would fit great into the community. A brief discussion about parking took place and commission felt like the parking plan submitted was sufficient.

Commissioner Wade Thompson **MOVED** to approve this item with all staff requirements and remove number 7.

Commissioner Blayde Hamilton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wade Thompson	Yes
Commissioner Chris Berbert	Yes

Vote passed.

Motion carried.

2.4 [8:37:21 PM](#) **12S15** – Northpoint Construction & Development LLC – 5746 W 13400 S  
– Proposed Subdivision of 8 Commercial Lots – Zone: C-2 – Acres: 12.25 – Units: 8  
(PUBLIC HEARING)

Heather Upshaw, Planner III oriented the commission with an aerial map, explaining that the subdivision was approved several years ago and the plat was never recorded. She showed the site plan and explained that staff required a masonry wall along the residential portion on 13400 South.

Brad Lassiter, North Ogden, representing the land owner, reported that there will be a financial institution, insurance office, high end spa, car wash, doctor office and dental office. He is working with other groups for the additional retail space. Food establishments have signed up in this area too. Lot 7 and 8 are not accurate on the drawing submitted. Lot 7 and 8 should be a full acre. Closing should take place in 60 days. The lot line for lot 7 should line up with lot 8. Applicant expressed excitement for this to go through.

[8:42:17 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

Ashley Santillana, 13383 S. Albert Court, understood that the builder mentioned installing a masonry wall and she wondered about the height of the wall. She voiced concern about the noise of the tenants especially the tenants of the car wash.

Jess Peterson, 13379 S. Albert Court, explained his yard is very steep coming to the edge of the proposed subdivision and he is worried about the height of the wall. He felt it would end up being level with his porch. He is excited for the development but he's worried about the noise.

Heather Upshaw, Planner III responded to questions about the wall. The standard height for a masonry wall is six feet. Tenants will be required to come in for conditional use and concerns regarding noise can be addressed at that time. A taller wall could be required if you commission felt it's needed.

Gordon Haight, Assistant City Manager confirmed that there is a big slope from the resident properties to the applicant property. He suggested that commission require a six foot fence on the resident side.

[8:46:12 PM](#) Chair Smith closed the public hearing.

Discussion amongst commission was to change number 4 and number 10 to work with staff for the realignment of the lot sizes.

Commissioner Chris Berbert **MOVED** to approve this item with staff recommendations and requirements, changing number 4 to place the six foot masonry wall on the residential property owner side and add number 10 to work with staff on realignment of lot sizes.

Commissioner Wade Thompson **SECONDED** the motion.  
Chair Smith asked for a vote. The vote was as follows:  
Commissioner Blayde Hamilton Yes  
Commissioner Robyn Shakespear Yes  
Commissioner Wade Thompson Yes  
Commissioner Chris Berbert Yes

Vote passed.  
Motion carried.

2.5 [8:47:44 PM](#) **09Z15** – Herriman City – Text Change to Add a Maximum Density to the A-.25 Zone and Density Criteria (**PUBLIC HEARING was held May 7, 2015**)

[8:48:11 PM](#) Five minute break requested

[8:54:29 PM](#) Heather Upshaw, Planner III oriented the commission with changes made to the criteria. It was reviewed by John Brems, City Attorney and there was a chart added with a way to figure the calculations. Public hearing had already been held on this item and time was turned over to the planning commission.

Planning Commission liked the changes made and felt fine to move forward.

Commissioner Blayde Hamilton **MOVED** to recommend the text change to the city council.  
Commissioner Robyn Shakespear **SECONDED** the motion.  
Chair Smith asked for a vote. The vote was as follows:  
Commissioner Blayde Hamilton Yes  
Commissioner Robyn Shakespear Yes  
Commissioner Wade Thompson Yes  
Commissioner Chris Berbert Yes

Vote passed.  
Motion carried.

2.6 [8:57:36 PM](#) **11Z15** – Herriman City – Text Change to Remove Clustering from the FR and Hillside Overlay Zones (**PUBLIC HEARING**)

Heather Upshaw, Planner III oriented the commission with changes to remove clustering from the FR zones. City Council removed PUD's from the ordinance in this zone, this was overlooked and needs to be edited.

[8:58:56 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

David Watts, 14461 S Windom Rd, he is in support of removing the clustering from this zone.

[8:59:47 PM](#) Chair Smith closed the public hearing.

Commissioner Wade Thompson **MOVED** to recommend this item to the city council.  
Commissioner Robyn Shakespear **SECONDED** the motion.  
Chair Smith asked for a vote. The vote was as follows:

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Wade Thompson	Yes
Commissioner Chris Berbert	Yes

Vote passed.  
Motion carried.

2.7 [9:00:15 PM](#) [12Z15](#) – Herriman City – Text Change to add Single Family Design Criteria (PUBLIC HEARING)

Heather Upshaw, Planner III oriented the commission with changes to the design criteria for residential. The design criteria are currently addressed through CC&R's but would now be addressed in the ordinance. Heather reviewed the main highlights: exterior materials are 40% brick or stone; vinyl and wood siding are not permitted; building colors along with material boards will be reviewed by the planning commission. Single Family dwellings will require a 2-car garage with a 22 x 22 size and 2 paved off street parking spaces; floor area requirement of 2200 square feet finished and unfinished and a 5/12 roof pitch with varied building elevations. Commissioner Wade Thompson asked if the driveway length is part of the requirements. The response was that it's addressed by the two paved off street parking spaces required. Heather Upshaw, Planner III explained that staff would like to add a number 8 condition allowing a theme style home like the Up House.

Planning Commission expressed that these changes were nice to have. Commissioner Blayde Hamilton asked if the criteria would cut out log homes. He asked if that's what the commission really wanted to do. Heather Upshaw, Planner III explained that current homes would be grandfathered in; the design criteria would only be for new construction and is only in the A-25 zone. The desire for a log home would be addressed in the FR zone. The item was discussed in a work meeting with the city council and felt the changes were the consensus of that group. Commissioner Chris Berbert addressed solar panels for this zone. The consensus was to discuss that option for other areas.

[9:11:35 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

David Watts, 14461 S. Windom Rd., concerned about the depth of driveways and asked the commission to address the issue for large truck owners. He also suggested useable space inside the garage be addressed. He felt that 80 percent for brick or stone exterior should be required but asked the commission to consider a higher percentage for brick or stone.

[9:14:15 PM](#) Chair Smith closed the public hearing.

Commissioner Chris Berbert felt concerned with requiring a higher percentage of stone for the exterior than 40 percent because it could price out a beginning home buyer. Chair Smith suggested that section should state 40 percent of the front exterior and any side that is readily viewable from a public street and a brief discussion ensued. Commissioner Wade Thompson questioned whether they should require the inside of the garage to be 22 feet useable space. Commission consensus was that requiring a garage to be 22 feet should provide enough useable space.

Commissioner Blayde Hamilton **MOVED** to recommend this text change with a number 8 added to the exceptions and with changes discussed to number 1 a minimum of 40 percent to the front exterior and any side readily viewable from the street.

Commissioner Chris Berbert **SECONDED** the motion.  
Chair Smith asked for a vote. The vote was as follows:  
Commissioner Blayde Hamilton Yes  
Commissioner Robyn Shakespear Yes  
Commissioner Wade Thompson Yes  
Commissioner Chris Berbert Yes

Vote passed.  
Motion carried.

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

None

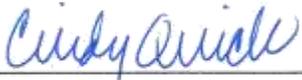
4. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.  
Commissioner Blayde Hamilton **MOVED** to adjourn the meeting and Commissioner Wade Thompson **SECONDED** the motion. The voting was unanimous. Motion carried.  
The meeting adjourned at 9:23:31 PM.

5. **FUTURE MEETINGS:**

- 5.1 City Council Meeting - Wednesday, **May 27, 2015** @ 7:00 PM
- 5.2 Next Planning Commission Meeting - Thursday, **June 4, 2015** @ 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 21, 2015. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



Cindy Quick, CMC  
Deputy Recorder