



HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, August 6, 2015

Approved August 20, 2015

6:04:45 PM **6:00 P.M.** ~ Work Meeting (Open to the Public)

Attendance

Planning Commission Members:

Chris Berbert
Jeremy Burkinshaw
Blayde Hamilton
Adam Jacobson
Jessica Morton
Robyn Shakespear
Wade Thompson

City Staff:

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

Guests:

Please see the attendance sign in sheet.

Planner III, Heather Upshaw reviewed the agenda.

Item 2.1 Demie. Applicant did not submit the reasonable accommodation documentation when the application was submitted. The documentation was provided by the applicant's attorney to Herriman City's attorney two days ago. Herriman City Attorney suggested to the applicant's attorney that the planning commission would need time to review what has been submitted. Staff recommends continuing this item to review that documentation. The application is a permitted use for disability. Planning commission can look at parking, fencing and the number of individuals allowed in the home. Planning can stick to four individuals in the home per ordinance if the documentation provided is not adequate for a reasonable accommodation. A discussion about traffic concerns took place. It was mentioned that the planning commission can decide whether or not to accept public comment for this item.

Item 2.2 Long, was for a secondary unit. It is a conditional use in the zone, staff requires off street parking and owner to live onsite. Staff will provide pictures. A brief discussion regarding where the property is located took place.

Item 2.3 Hutchings, was for a detached garage on the side yard. A detached garage is typically in the rear yard and allows for a three foot setback. The applicant mistakenly thought that the rear yard setbacks were the same as the side yard setbacks. Ordinance does allow an applicant to ask for an exception but only to five feet. He is currently requesting two and a half feet. Planning commissions only option would be to approve at five feet. Applicant could build in the back and receive a three foot setback.

Item 2.4 Winward, was for a two lot subdivision. The curb, gutter and sidewalk exception will be going before council for decision next week. Planning can put a condition that no curb and gutter will be on the plot until council's decision.

Item 2.5 Hogelin, was for two family lots on Rose Canyon Road. There was concern about curb, gutter and sidewalk requirements for this applicant because there is a curb, gutter and sidewalk exception going before city council at the next meeting. A brief discussion about a masonry wall requirement for subdivisions in this area was also discussed. The zoning was part of the application as well.

Item 2.6 Bowler Properties, was for a final PUD approval. Total lots are now 73 not 76. Three car garages will not fit on the west side. The planning commission requested that the applicant keep them apprised of the density in each project and how it compares with the overall density approved. Open space will be built along with each adjacent subdivision. The upcoming pods were addressed. A brief discussion about charter schools in the area took place as well.

Item 2.7 Bowler Properties, was for the final subdivision approval and will have a public hearing. Elevations will be shown.

Item 2.8 was for a vacation of 7530 West. Blake Thomas, City Engineer spoke about the changes to the road and how it will leave a triangular section of property that will be vacated. Heather Upshaw, Planner III reminded the commission that the item was on for public hearing and recommendation to the council.

Item 3.1 Hogelin, was for a rezone of a two lot subdivision; 3.2 Bowler Properties was for the rezone to reduce commercial.

Meeting adjourned at [6:39:25 PM](#)



[7:00:11 PM](#) 7:00 P.M. ~ Regular Planning Commission Meeting

Attendance

Planning Commission Members:

Chris Berbert
Jeremy Burkinshaw
Blayde Hamilton
Adam Jacobson
Jessica Morton
Robyn Shakespear

City Staff:

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

Guests:

Please see the attendance sign in sheet.

1. GENERAL BUSINESS:

Vice Chair Burkinshaw welcomed those in attendance.

1.1 [7:00:43 PM](#) Reverence / Thought: [Elder Lawrence](#)

1.2 [7:01:49 PM](#) Pledge of Allegiance: [Greg Winward](#)

1.3 [7:03:10 PM](#) Roll call: [Full Quorum, Clint Smith and Wade Thompson were absent](#)

1.4 [7:02:21 PM](#) Approval of Minutes for: **July 16, 2015**

Commissioner Robyn Shakespear **MOVED** to approve the minutes for July 16, 2015.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2. **Administrative Items:**

Administrative items are reviewed based on standards outlined in the ordinance. Public comment is taken on relevant and credible evidence regarding the application's compliance with the ordinance.

Vice Chair Jeramy Burkinshaw reviewed the public comment policy and procedure.

2.1 [7:03:44 PM](#) **02P15** – Demie – 13727 S Rocky Point Drive – Reasonable Accommodation for a Residential Recovery Facility – Zone: A-1 – Acres: 1.4

Planner III, Heather Upshaw reiterated that this is a reasonable accommodation for a residential recovery facility. She stated for the record that she does have family members that live in the subdivision but it is not a conflict of interest for her. According to Herriman City Code, State Code and Federal Code residential facilities with people with disabilities are permitted uses and the applicant is asking for an increase in the number of residents. According to city code a family consists of four unrelated people. Information was provided to the city attorney two days ago and the planning commission has been given a copy.

Michael Demi (applicant), 4237 W. Park Hollow Ln., Riverton, stated that they would like to start the facility with seven beds. He explained that his attorney wasn't present tonight because he was told this item would not be on the agenda. The facility will be for an all female recovery center. It will be a healing facility. Program participants come to this facility after they've lost everything. They are not allowed to leave or they are out of the program. All participants are under 24 hour supervision. There will be limited staff on site and never more than 12 people at a time. There will be no signage on the home. Typical program duration is 90 days. There will be alarms and cameras at the facility. When a participant arrives there is a full search done of all of their belongings. Drug testing is done multiple times, per week and random searches are made periodically. Participants have already gone through detox and it's out of their system but we want to help them on the emotional side of things.

Commissioner Chris Berbert asked whether or not the staff members will live at the facility. Response was that staff will not live there; however, the facility will be staffed 24 hours a day. Staff will include clinicians, teachers and line staff. There will be three or four staff members there during the day and one staff member at night. The facility rehabilitates participants to help them find jobs. Applicant described the difference between a sober living facility and a recovery unit. The sober living facility program participants come and go; however, at a recovery unit (which the applicant is proposing) the participants aren't allowed to leave the facility unless supervised. Participants can walk around the property; gardening and grooming can be part of their therapy. The program teaches participants good citizenship skills and encourages them to draw back to their faith.

Mr. Demi asked the commission why his lawyer was told not to come. Heather Upshaw, Planner III responded that the city attorney did contact Mr. Demi's attorney and stated that the planning commission would probably recommend continuing this item so that the planning commission had sufficient time to look over the documentation recently submitted and was told the applicant's attorney would still like to present information to the commission.

[7:12:50 PM](#) Vice Chair Burkinshaw 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:

Claudia Bogumil, 5480 W Rocky Point Dr, submitted a list of questions to the commission by email. She was concerned about parking if the facility will require a metal dumpster. She felt it was not a safe or secret place to house individuals who are recovering. She has a disabled daughter and felt troubled that they would use the disable for people with addictions; one is a choice and the other is not. Mrs. Bogumil was concerned that the feel of her neighborhood would change from a residential feel to a business oriented area. She questioned how this business would benefit the community and if any other neighborhoods had been considered. She suggested that this type of facility be placed in a rural or business area.

Vice Chair Burkinshaw commented that the commission hadn't had a chance to see her email yet but does intend to respond.

David Crook, 13757 Rocky Point Dr, lives next to the proposed facility. He also sent a letter of concern. He was concerned about the safety of children due to the increase of vehicles that would be coming and going. He was worried that the resale value of his home will go down. He understood the city's position, but felt frustrated about this facility being in his neighborhood. He does want to be a good neighbor but would like them to be a good neighbor too. He requested knowing more information about the business plan including safety while participants roam the property and recommended a fence be installed and accommodations for parking. He felt the proposal does not fit as a disability.

Julie Clayton, 5496 W. 13680 S., reported that her son graduated from a program like this. He told her to go to the meeting and fight it. His facility was on a farm in Colorado and he had to work hard but only 10% of the participants graduated. She commented that her son is not disabled; he made the choice to do drugs. He said that people did walk away from the facility and many in his dorm room were obtaining drugs from outside sources. Drugs and alcohol became more important to the participants than the worry of being kicked out of the program. She mentioned that the program he was in was a religious based program, the Denver Rescue Mission. She felt the program was not a good thing to have in a residential area and suggested that it be in a rural setting where participants cannot affect the children playing around the neighborhood.

Vea Jean Hamilton commented that she developed this residential area and the CCR's state that the subdivision is family living not businesses and she would like to the commission to follow those CCR's.

Alana Evans, 5364 Silver Spot Ct, Riverton, deeply concerned with the proposal. She reported that she has seen great people become completely different when addicted to drugs. She stated that everyone addicted to drugs has broken the law and she doesn't want law breakers in her back yard. She was concerned that there are too many spots in the river bottom/ravine to hide. She doesn't feel that her children will be safe and doesn't want her children being exposed to this type of facility.

Bonnie Farnsworth lives four houses away from the facility (5404 W 13680 S) and commented that she has welcomed many types of people in her neighborhood. However, drug addicts have abused everyone they know and even people they don't know, and she does not welcome addicts in her neighborhood. She disclosed that the home for this proposed business only has six bedrooms not enough for the eight being proposed. She felt they will keep asking for more because this is a big business. She mentioned that she loves her neighborhood and wants to keep it that way. She reported not being against people getting help she just felt this neighborhood is not the right place for the business being proposed.

Andrew Dautel, 13981 S. Barneys Peak Cir., read a letter from his father who is a licensed social worker. His father has grave concerns about the proposed facility. He commented that he has been the director at a number of these facilities and understands the need for them; however, this facility will change the dynamic of the neighborhood and not for the good. There are clients that are less motivated in recovery and will invite drug dealers in the neighborhood to get their fix. These individuals will get kicked out of the program but will return out of pressure from family and the legal system and then will try all over again. Many of these facilities fall into disrepair. He hoped the planning commission will listen; that the facility will affect this subdivision negatively. Andrew reported that he has lived in a neighborhood with a facility like this and understands the negative effects that it had on his subdivision. He reported that some residents moved out of his subdivision due to those negative effects.

Tyler Crook, 14753 S. Vintage Rose Ct, he grew up at 13757 S. Rocky Point Dr, and he has a two year old daughter that spends a lot of time at a playground in the proposed home's back yard. He now feels uncomfortable letting his child play there. It seems like common sense that this facility doesn't belong in a neighborhood.

Erik Nyholm, 5479 W. 13680 S., has concerns regarding the safety of his children. He is concerned about the impact this facility might have on his children and his neighbors' children. He fears the perception of the neighborhood will change.

Jack Harsh, 5499 W. Rocky Point Dr, wonders what gets people to attend this program voluntarily. He has served at the state prison in a religious service program and reported that the people who volunteer to attend the program usually fix their problems, however, the people who get placed into programs like these do not fix their problems and the program doesn't work well for them.

Dee Oakeson, 5555 W. Rocky Point Dr, wondered why the neighbors in this neighborhood weren't notified of the proposed business. He didn't find out about it until the night before last. He felt that any other business in the neighborhood had to go through planning and zoning and the neighbors were notified. He wondered why this was different.

Planner III, Heather Upshaw responded that a residential facility with people with disabilities or an elderly facility are permitted uses and permitted uses do not require any notices. Commissioner Adam Jacobson added that it is also a state requirement.

Dave Bogumil, 5480 W. Rocky Point Dr, questioned whether or not the applicant will actually supervise the staff and run the facility. He also wondered what experience he has with people trying to distribute drugs at the facility.

[7:38:05 PM](#) Vice Chair Burkinshaw closed the public hearing.

Michael Demi (applicant) addressed the cars and traffic concerns, explaining that there will never be more than four cars at the location. The food will be delivered by a staff worker not by a company. He reported that he will be involved in running the facility and will have a licensed clinician there as well. He reported that he actually does have a facility like the one being proposed in his own back yard. The facility he's proposing is different in that no one will come to visit at this facility, only staff members. He further stated that occasionally on Sunday there will be visitors if those in the program have reached a level of improvement that allows them to have visitors. He reported being fine with installing a fence. He felt strongly that drugs will not come into the facility due to drug testing twice a week and searches. He commented that this is a business but it's also very personal to him. He understands the feelings and concerns of the residents; he had similar feelings when the sober living facility came into his neighborhood. However, the long term result has been that program participants have attended his church meetings and several of them have been baptized. He also felt that the real-estate in the neighborhood will not be negatively impacted.

Commissioner Adam Jacobson asked him to respond to the questions about how the program participants volunteer to come to the facility. The response was that it is a private program and the women will come

because they've lost everything and they want help. They want help to get back on track and get their life back. He reported that he felt that the facility won't be like what everyone is picturing. He felt that with it being a facility for women that there is less of a threat. He commented feeling sad that his brother-in-law made a choice to ride a bullet bike without a helmet and is now disabled because of that choice. These people have made a choice too and because of that choice they are disabled.

Commissioner Blayde Hamilton asked if there was an interview process or if they just come to the program. Mr. Demi explained that every insurance program is required to cover substance abuse. Usually the program participant has already been through detox. He responded that he can pick and chose who he takes because he can reject them if they do not comply with the program requirements.

Commissioner Chris Berbert asked about fencing in the back. The response was that it is currently not fenced.

CJ Lawrence, 5450 W. Rocky Point Drive, stated that Mr. Demi has a great heart and felt that he was trying to help people but this will also be a business. Mr. Lawrence felt that there haven't been any measures taken for safety. He explained that his grandchildren walk straight through this property to play with other children in the neighborhood. He felt concerned that there were no protections at the home to stop people coming to the property on any side.

Vice Chair Burkinshaw turned time to the commission for a discussion. Commissioner Chris Berbert asked if the CCR's mentioned need to be followed here and wondered if the area has an HOA. The response was there is no HOA but CCR's are recorded with each lot. Commissioner Adam Jacobson would like to see the site plan and recommendations for fencing and parking before making a decision. Commissioner Jessica Morton would like to review the information received from the applicant's attorney before making a decision. Commissioner Blayde Hamilton questioned if the commission could put stipulations on the facility like a fence, parking requirements and business hours. Heather Upshaw, Planner III explained that there are development standards that need to be followed but any of those items can have stipulations placed on them. Commissioner Blayde Hamilton would also like to see a plan and would like time to review the information from the attorney as well. Commissioner Chris Berbert asked for clarification that this home is a three bedroom home the response was affirmative.

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

Commissioner Chris Berbert **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:52:25 PM](#) **22C15** – Long – 13687 S 6315 W – Proposed Secondary Unit – Zone: A-.50 – Acres: .56

Planner III, Heather Upshaw oriented the commission with a site plan, the location of the proposed home, as well as, other images prepared. It is a proposed secondary unit which is on over ½ acre and it is a conditional use in the agricultural zone which typically requires one off street parking and the owner needs to reside in the home.

Albert Long (applicant), 13687 S 6315 W, is finishing a basement with two bedrooms, two baths and approximately 1500 square foot mother-in-law apartment to rent out in the fall.

Vice Chair Burkinshaw turned time to the commission for a discussion. Commissioner Chris Berbert thought it looked like there was sufficient parking. Commissioner Blayde Hamilton wanted to make sure the applicant does not allow parking on the street. Applicant stated there is ample off street parking and responded to Commissioner Shakespear that there will be an outside entrance.

Commissioner Adam Jacobson **MOVED** to approve this item contingent on staff recommendations and add a fourth recommendation that says all parking will be on the property.

Commissioner Blayde Hamilton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.3 [7:57:41 PM](#) **23C15** – Hutchings – 13881 S Horizon Ridge Lane – Side Yard Setback Exception for a Detached Garage – Zone: A-.25 – Acres: .50

Kenny Hutchings (applicant), 13881 Horizon Ridge Lane, wants to add a detached garage to the side of his property. During the planning of his yard he checked with the planning and building department and understood that there would be a three foot setback and he was hoping for less than three feet (two feet five inches) if it's allowed. He would locate the garage where it would least impact any neighbors.

Planner III, Heather Upshaw explained that the detached structure in the side yard would have to meet the same side yard setback as the dwelling. Three feet is only allowed in the rear yard. The ordinance allows the commission to reduce the side yard setback but only to five feet.

Mr. Hutchings further explained that everything he was given, and even on the website for detached structures, stated three feet and if it's less than three feet he'd need to provide a firewall. He further added that he even spoke with staff and they told him it was three feet. He felt that he already did his due diligence and followed all the rules but now feels stuck because he's being told the setback is five feet.

Vice Chair Burkinshaw turned time to the commission for a discussion and asked Heather Upshaw for guidance. He read the ordinance "In no case can the planning commission approve a side yard setback of less than five feet." Heather Upshaw, Planner III stated that there were areas on the website under the Building Department that say three feet but they are talking about fire code. There is also an area on the Planning page that says three feet for the rear yard, but the side yard has to meet the same side yard setback as the dwelling. The planning ordinance does not allow the planning commission to change the setback to less than five feet, the ordinance would have to be changed to allow a change less than five feet.

Commissioner Adam Jacobson asked if the applicant if he would prefer them to approve it with five feet or deny the application.

The applicant reiterated that he understood that he could still ask for the variance. He explained that he spoke with Brett and explained he wanted less than five feet and even less than three feet. He would now be happy with three feet.

Commissioner Adam Jacobson explained that they only have two options, either approval with five feet or deny and asked the applicant what he would prefer. The response was to approve and he'd try to figure it out.

Commissioner Adam Jacobson **MOVED** to approve this item per staff requirements.

Commissioner Chris Berbert **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.4 [8:06:53 PM](#) **18S15** – Winward – 6077 W 13100 S – Subdivision Approval for 2 Single Family Lots Zone: A-.25 – Acres: .60 – Units: 2 (PUBLIC HEARING)

Planner III, Heather Upshaw oriented the commission with a site plan, aerial map and other images prepared. The minimum lot size must be 10,000 square feet for both lots. The curb gutter and sidewalk exception is going to city council for an exception next week.

[8:08:53 PM](#) Vice Chair Burkinshaw 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:

None

[8:09:02 PM](#) Vice Chair Burkinshaw closed the public hearing.

Greg Winward (applicant), 6077 W 13100 S, would like to subdivide the property. There is an old barn that will be torn down.

Commissioner Blayde Hamilton questioned whether or not the applicant would like to continue until next week so the council can make a decision on the curb and gutter. The applicant felt concerned about how the curb and gutter would be installed because the road is crooked and the city owns the area in front of the barn (about a foot west of the barn) clear to the middle of the road.

Commissioner Adam Jacobson requested being able to see the outline of the property and where the home would be placed. The applicant provided him with a survey plan. Commissioner Jacobson felt that if the council passes what was recommended than this would not require curb and gutter. However, if the council denies it they would still require a fee in lieu.

Commissioner Blayde Hamilton **MOVED** to continue this item to an unknown date.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes

Vote passed.
Motion carried.

2.5 [8:20:59 PM](#) **19S15** – Hogelin – 13457 S Rose Canyon Road – Subdivision Approval for 2 Single Family Lots – Zone: A-1 – Acres: 1.03 – Units: 2 (PUBLIC HEARING)

Planner III, Heather Upshaw commented that the rezone could be addressed at the same time. She oriented the commission with a site plan, aerial map and other images prepared. There are some grade issues and curb, gutter and sidewalk is required here, as well. An exception can be made to city council if the curb, gutter and sidewalk are not needed.

John Hogelin (applicant), representing the developers. The developers want to go forward with the request for the subdivision. There are concerns with the current retaining walls and sidewalk which have been addressed with City Engineer, Blake Thomas. The retaining would need to be torn out and the lowest point there is roughly a four foot grade with a three foot drop off. There would be issues with the fill required for this property. The developers are willing to do whatever is required but they would ask for some sort of conditional remedy. Utility stubs are required and he would like more information on that, whether or not it has to be recorded on the plat or not. With the eight foot dedication to the city if it brings the lot less than an acre, it may need a consideration required or that may be an issue. The zoning request would conform to the general plan.

[8:28:50 PM](#) Vice Chair Burkinshaw 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:

Jessica Mawford, 7792 S. 300 E., realtor with Keller Williams, working with residents on the east side of the property who are looking to purchase the back half acre of the property. The property will be used as horse property and they will not need any utilities.

[8:29:33 PM](#) Vice Chair Burkinshaw closed the public hearing.

Vice Chair Burkinshaw turned time over to the commission for a discussion. Commissioner Adam Jacobson asked if a subdivision requires utilities stubbed to the lot.

City Engineer, Blake Thomas responded that utilities are required because the owner might not always own the property. Commissioner Jacobson commented that the owner may not want to go ahead with the zone but may choose not to do a subdivision at this time.

Commissioner Blayde Hamilton explained the history of this area. He stated that this would be the only owner that would be required to install a sidewalk. He felt that if we require him to install a sidewalk then all others should be required as well. Commissioner Adam Jacobson disagreed and felt that it needs to have a safe walking route as suggested by the City Engineer.

City Engineer, Blake Thomas explained that the school district split boundaries and Rose Canyon Road is the boundary line. On the west side all students attend Butterfield Canyon Elementary. On the east side those students attend Herriman Elementary but the safe walking route is south to the north. The justification for the sidewalk request is for that safe walking route. A route through the neighborhood could work as an alternative. But right now it's on both sides of 6400 West which could be safer due to lower volumes of traffic. Commissioner Adam Jacobson and Chris Berbert are in favor of a sidewalk and curb and gutter for the safe walking route.

3.1 [8:37:27 PM](#) **18Z15** – Hogelin – 13457 S Rose Canyon Road – Rezone from A-1 to A-.50 – Zone: A-1 Acres: 1.03 (PUBLIC HEARING)

Commissioner Blayde Hamilton **MOVED** to approve this item with a rezone to A-.25 and a zoning condition of 20,000 square feet.

Commissioner Adam Jacobson **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

Commissioner Blayde Hamilton **MOVED** to approve this item with staff recommendations and deleting number 4 and would like to make the entrance to plot B on the south side of the lot off of 13475 South.

No second to the motion.

The motion did not pass.

Commissioner Adam Jacobson **MOVED** to approve this item with staff recommendations with the requirement that the access for Lot B would be off of 13475 South and 20,000 for the lot size.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	No
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.6 [8:40:31 PM](#) **38C14-02** – Bowler Properties – 12200 S 5600 W – Final Planned Unit Development Approval for Pod #4 of the Miller Crossing Development – Zone: R-2-10 & C-2 Acres: 18.24 – Units: 76

Vice Chair Burkinshaw requested to discuss this item along with 2.7 and 3.2.

Planner III, Heather Upshaw oriented the commission with site plans, aerial maps and elevations prepared. This is the second pod the applicant asked for approval for two phases with single family lots. The applicant also asked for final approval on the subdivision. With the PUD, when they are approved, there is a preliminary approval and then the final subdivision and final PUD is requested based on each pod. The rezone was for approximately an acre for a future commercial corner lot.

Lynn Bowler (applicant), 7100 S. 5500 W., explained that the request was for 9 units less than what was already approved in an effort to allow larger homes as a commitment to residents.

Commissioner Jacobson explained that Parcel A is included with the phase but when the line is adjusted the entire plat would need to be modified so he wondered if Mr. Bowler would like to pull out Parcel A from the subdivision piece. Mr. Bowler agreed with his suggestion.

Mr. Bowler commented regarding the rock/brick and stone that planning commission had previously approved 30% for the front of the homes and any side facing the street and he would be continuing with that approval.

[8:44:58 PM](#) Vice Chair Burkinshaw 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:

Robin Glassey, 12513 S. Heritage Hill Ct, acknowledged how well the developer has worked with residents and appreciated the concessions made. She felt like it was a great change to have lower density. However, she still felt concerned about the look of the development. She recounted that in Canada a home was supposed to be made out of all brick and she was from a lower income home and built a 50% brick home. She felt that the planning commission should require a higher quality of home in this development.

David Watts, 14461 S. Windom Rd, asked the planning commission to require more details about the elevations so that there cannot be changes down the road.

Jared Henderson, 14568 S. Heritage Hill Ct, would like more detailed elevations including colors and design. He was also concerned about the requirement of only 30% brick/stone for this subdivision.

Commissioner Blayde Hamilton explained that this application had already been approved before the change of requirement to 40% was made.

Commissioner Jessica Morton mentioned that 60% brick/stone was a requirement for commercial and 40% brick/stone was the requirement for residential.

[8:50:52 PM](#) Vice Chair Burkinshaw closed the public hearing.

Commissioner Blayde Hamilton and other commissioners would like to see material boards come back to the commission. He asked if there was an option for the site plan to be approved so he can move forward and then a motion to bring back the color board for the elevations. Jessica Morton asked if the elevations would include homes that have 3-car garages the response was yes.

Commissioner Adam Jacobson **MOVED** to approve this item with 73 units and with staff recommendations with the requirement that elevations and building materials come back for planning commission approval.

Commissioner Chris Berbert **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

3.2 [8:53:20 PM](#) **19Z15** – Bowler Properties – 12200 S 5600 W – Rezone from C-2 to R-2-10 – Zone: C-2 Acres: 7 (PUBLIC HEARING)

Commissioner Adam Jacobson **MOVED** to approve this item with staff recommendations.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

- 2.7 [8:54:50 PM](#) **20S15** – Bowler Properties – 12200 S 5600 W – Subdivision Approval for Pod #4 of the Miller Crossing Development – Zone: R-2-10 & C-2 – Acres: 18.24 – Units: 76 (**PUBLIC HEARING**)

Commissioner Adam Jacobson **MOVED** to approve this item with the requirement and the removal of lot A, staff recommendations and the removal of 10.

Commissioner Chris Berbert **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

- 2.8 [8:55:55 PM](#) **17S15** – Herriman City – 7530 W Hi Country Road – Proposal to Vacate a Portion of 7530 W – Acres: .03 (**PUBLIC HEARING**)

Planner III, Heather Upshaw turned time to City Engineer, Blake Thomas.

City Engineer, Blake Thomas reported that this road construction project will affect the Hi Country gate, which will be moved to allow the future road alignment to go straight instead of having a curve. It will also leave a triangle piece to be abandoned. The city recommends vacating the property behind the sidewalk because it's not needed; being that it's behind the sidewalk.

[8:57:05 PM](#) Vice Chair Burkinshaw 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:

None

[8:57:13 PM](#) Vice Chair Burkinshaw closed the public hearing.

Commissioner Chris Berbert **MOVED** to approve this item with staff recommendations.

Commissioner Jessica Morton **SECONDED** the motion.

Vice Chair Burkinshaw asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

3. **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.

4. **New Items of Subsequent Consideration:**

None

5. **Future Meetings:**

5.1 City Council Meeting - Wednesday, **August 12, 2015** @ 7:00 PM

5.2 Next Planning Commission Meeting - Thursday, **August 20, 2015** @ 7:00 PM

6. **ADJOURNMENT:**

Chair Jeremy called for a motion to adjourn.

Commissioner Jessica Morton **MOVED** to adjourn the meeting. The voting was unanimous. Motion carried.

The meeting adjourned at **8:58:12 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 August 6, 2015. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder