



HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, March 3, 2016

Amended #1*

Approved March 17, 2016

[6:31:23 PM](#) **6:30 PM - Work Meeting:** *(Front Conference Room)*

Attendance

Planning Commission Members:

Chris Berbert
Jeremy Burkinshaw
Blayde Hamilton
Adam Jacobson
Robyn Shakespear
Clint Smith

Council Members:

Mayor Freeman

City Staff:

Bryn McCarty, City Planner
Gordon Haight, Assistant City Manager
Blake Thomas, City Engineer
John Brems, City Attorney

[6:31:34 PM](#) Chair Clint Smith briefly reported on item 2.5 – Rosecrest Communities – applicant has withdrawn the application. Assistant City Manager, Gordon Haight briefly explained that the applicant was going to bring in a traffic study but it was never provided. The applicant then realized the error and pulled the application. Chair Smith reported that several emails were received due to a Facebook post and inaccurate comments made. There is a conflict with what the application proposed, as was noted in the staff report, and what was agreed to in the development agreement. The applicant needs to provide a traffic study and hash out the development agreement with council before they present before the commission.

[6:34:24 PM](#) Assistant City Manager, Gordon Haight reported on the area by the Community College and REAL project. A property trade was discussed and the property will need to be rezoned to C-2. Chair Smith stated that the intent was that the community college parking lot would be used during the day however, it could be used for REAL events in the evening that generally don't conflict with the school. Planner McCarty added that a commercial area will also be adjusted. The rezone will be brought back to the commission if/when it all gets worked out.

[6:37:07 PM](#) City Planner, Bryn McCarty reported that Jordan Valley Water Conservancy District will be building a big new tank which will expand their existing use.

[6:37:07 PM](#) Review of Agenda Items

2.1 & 2.2 – Clayton Homes – applicant submitted new pictures of a project providing a great visual for the project they are proposing. Chair Clint Smith asked about the width of Miller Crossing Road and whether or not on street parking is allowed. The response was 66 feet and that on street parking is not allowed. Chair Smith offered the opinion that it didn't make sense to him to have a six foot fence around the development. He briefly described a fence at the Villas and suggested that they continue that same look for this subdivision. The applicant suggested pushing back the units that front the main road. Chair Smith spoke about the parking ordinance and explained that the applicant currently exceeds the parking requirement. He suggested that if there is an issue with the parking in the development that the ordinance should be addressed not require the applicant to provide more parking then the current ordinance requires. Commissioner Adam Jacobson mentioned that the provided drawing made the parking much more clear. The applicant showed plans and suggested that they push back the buildings and showed the original plan with an alley design. He noted that it would create a park feel off of Miller Drive. He pointed out the parking in the area. Commissioner Chris Berbert and Blayde Hamilton suggested having at least 20 feet in the front of the units along the main road.

2.3 – GSBS Architects – Conditional Use for City Hall.

2.4 – Mittelstaedt – Gina Road is not paved and not public. A subdivision would require a paved public road. The applicant is asking for an exception. The commission would be making a recommendation to the city council for that exception. The applicant has not been able to figure out a way to get the road paved. The applicant would be happy to pay for a fee in lieu for the frontage. The commission would need to provide a specific reason for granting the exception.

2.6 & 2.7 – Rosecrest Communities – Pod 30 for subdivision and PUD, 66 family lots. Trail access was briefly discussed.

Items on for public Hearing were quickly outlined.

Meeting adjourned [6:59:31 PM](#)



[7:04:16 PM](#)

7:00 PM - Regular Planning Commission Meeting:

Attendance

Planning Commission Members:

Chris Berbert
Jeremy Burkinshaw
Blayde Hamilton
Adam Jacobson
Robyn Shakespear
Clint Smith

Council Members:

Mayor Freeman

City Staff:

Bryn McCarty, City Planner
Cindy Quick; Deputy Recorder
Blake Thomas, City Engineer
John Brems, City Attorney

1. General Business:

Welcome

Chair Clint Smith welcomed those in attendance.

- 1.1 [7:04:48 PM](#) Invocation and Pledge
[Joseph Mittelstaedt offered the invocation and Roger Dalton led us in the pledge.](#)
- 1.2 [7:05:51 PM](#) Roll call:
[Full Quorum, Jessica Morton and Wade Thompson absent](#)
- 1.3 [7:05:59 PM](#) Approval of Minutes for: **February 18, 2016**
[Commissioner Robyn Shakespear **MOVED** to approve the minutes for February 18, 2016.](#)
[Commissioner Jeramy Burkinshaw **SECONDED** the motion.](#)
[The voting was unanimous.](#)
- [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 applications compliance with the ordinance.

Chair Clint Smith reviewed the public comment and procedure policy and announced that item 2.5 had been withdrawn by the applicant. He mentioned that more information was still needed and there was a conflict to the development agreement. He briefly explained the process of how agenda items get on the agenda. He noted that when the application had been submitted staff knew that additional information was still needed and the public hearing would need to be held to obtain further information. However, the item was withdrawn by the applicant and he encouraged those present to watch future agendas for further notification.

Chair Smith took opportunity to address statements made on social media. It was his hope that when statements are made on social media that the information posted is accurate and complete; both by those who posted it and by those reading the posts. He took offence to recent comments made about the planning commission not taking their job seriously. He reported that the statement was absolutely false. Those on the planning commission are dedicated and care about the community. They take their jobs seriously. He restated that the commission welcomes public comment and wanted to make sure that together we build a vibrant community. That cannot be accomplished through misinformation and attacks to those who make sure that the process is being met.

David Watts approached the commission and questioned whether or not the public hearing still needed to be held on the item that was withdrawn. Chair Smith again stated that the item had been withdrawn by the applicant and there would be no public hearing. Mr. Watts questioned him a few times and Chair Smith reiterated the same response.

- 2.1 [7:15:03 PM](#) **02S16** – Clayton Homes, Inc – 5500 W 12100 S – Proposed Subdivision of 99 Townhomes – Zone: R-2-10 – Acres: 8.91 – Units: 99
(Public hearing was held on January 21, 2016)

Chair Smith mentioned that item 2.1 and 2.2 would be discussed together.

City Planner, Bryn McCarty oriented the commission with a layout of the development noting that past concerns were fencing and parking. The fencing for Midas Creek Villas was shown. Pictures of a similar product were shown and the alleys, garages, fencing and setbacks were noted.

John Clayton (applicant), 1623 E Woodcrest Dr, SLC, would prefer not to match the fence from the Villas. He'd like to have a different style. He'd be glad to put in a fence he would just like a different style.

City Planner, Bryn McCarty pointed out requirement number five for setbacks and a requirement for the fence along Main Street, adding that there was no requirement for fencing across Miller Crossing. She felt that the style was up to the applicant.

Commissioner Jeramy Burkinshaw asked the applicant how he felt about a three foot fence. Mr. Clayton responded that the Villa fence style was the style of that development. He would prefer his development to have a different fence style. He offered a few options and reported wanting consistency through the entire development.

Commissioner Blayde Hamilton questioned the setbacks for units labeled C, D and E. He would prefer the setbacks to be at least 20 feet. The applicant felt that 20 foot setbacks could be accommodated. A discussion about different options took place amongst commission and applicant. No fencing requirement along the trail and along Main Street.

Further discussion amongst the planning commission regarding fencing took place. It was reported that the homes in the development would be for sale and that there would not be fencing allowed inside the development. The parking concerns had been addressed and the main concern was setbacks and fencing along Miller Crossing.

City Planner, McCarty noted that the requirements for brick or stone on front elevations would also be required for any side or rear that is visible from the street.

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

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 Jeramy Burkinshaw	No
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:31:26 PM](#) [38C14-03](#) – Clayton Homes, Inc – 5500 W 12100 S – Final PUD Approval for 99 Townhomes – Zone: R-2-10 – Acres: 8.91 – Units: 99 (Continued from January 21, 2016)

Commissioner Adam Jacobson **MOVED** to approve the item with staff recommendations with the setbacks to be 20 feet.

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 Jeramy Burkinshaw	No
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.3 [7:32:35 PM](#) **10C16** – GSBS Architects – 5373 W Herriman Main Street – Conditional Use Approval for a Proposed City Hall – Zone: MU-2 – Acres: 14.82

City Planner, Bryn McCarty oriented the commission with an aerial map, rendering and site plan. The applicant was not present.

Mayor Carmen Freeman was asked if he would like to add any additional comments. The response was that City Manager, Brett geo. Wood had met with GSBS on a weekly basis and felt confident that it was what the city would like to see.

Chair Clint Smith stated that the commission had been involved in the process and part of combined meetings. This was something the city was looking forward to.

Commissioner Blayde Hamilton **MOVED** to approve the item with staff requirements.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

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

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

*2.4 [7:36:06 PM](#) **08S16** – Mittelstaedt – 7083 W Gina Road – Proposed 1 lot subdivision – Zone: A-1 – Acres: 1 (Public Hearing)

City Planner, Bryn McCarty oriented the commission with an aerial map for the location. She explained that the road is not paved and was not dedicated as a public right-of-way. The subdivision ordinance requires that the subdivision connect to a paved road, curb, gutter and sidewalk. The city has tried to help pave the road and work on improvements but some property owners have not wanted the road paved or improvements made. The city cannot approve the subdivision when it doesn't meet the ordinance, therefore, the applicant is asking for an exception. If there is an exception that exists planning commission members would then recommend to the city council that they grant the exception. She pointed out other areas where the decision would set precedence.

Joseph Mittelstaedt (applicant), 1969 S. West Temple, purchased the property in December and met with many of the neighbors. He reported that the neighbors are not interested in paving the road. He would like to build on the lot without paving the road. He would, however, provide a payment in lieu to pave the road in the future. He mentioned that he has also met with City Council Members and the City Planner. He would really appreciate an exception. He noted that he has realized that he bought the property with false pretenses from the real estate agent.

[7:41:46 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:

Scott Robison, 13756 S. Arie Cir, does not have an objection to a half acre subdivision but his biggest concern is how access would be handled for the back lot, closest to his property. The commission quickly responded that the proposal was for a one acre lot. The applicant would not be subdividing the lot.

[7:44:41 PM](#) Chair Smith closed the public hearing.

Chair Smith turned the time over to the commission for further discussion and possible recommendation. Commissioner Blayde Hamilton and Adam Jacobson mentioned being fine with the proposal and that it would be consistent with the area. Commissioner Jeremy Burkinshaw explained that it doesn't meet the ordinance. He doesn't have problems with this particular proposal but it would set precedence for other areas of the city. Commissioner Adam Jacobson asked to know when the plan was Quit Claimed; the thought was that if someone else, before the applicant, made the decision with the county to subdivide the land, it may force the commission to approve the lot. He doesn't have an issue with the proposal. City Planner, Bryn McCarty responded that the lot was not created last year, however, she was unaware when it showed up on County Records. Commissioner Blayde Hamilton asked Commissioner Burkinshaw to elaborate his concern. Commissioner Burkinshaw pointed out areas where it could create a problem for the city. Chair Smith expressed that the situation was unfortunate and suggested that the fix would be to get right-of-way dedications and pave the road. Commissioner Adam Jacobson would like to see research done to find out when the lot was legally subdivided, it could provide different circumstances. City Planner, McCarty made a fast search on the county website and discovered that the first time the parcel showed up on County Records was in 1992 and was annexed in 2009.

Commissioner Jeremy Burkinshaw **MOVED** to recommend to the city council that we deny the request.

Commissioner Robyn Shakespear **SECONDED** the motion.

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

Commissioner Blayde Hamilton	No
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	No
Commissioner Adam Jacobson	No

Vote failed.

Motion rejected.

Commissioner Adam Jacobson **MOVED** to recommend to the city council approval of the item with the requirement to dedicate the land and provide the appropriate fee in lieu of their portion of that roadway.

Commissioner Chris Berbert **SECONDED** the motion.

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	No
Commissioner Jeremy Burkinshaw	No
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried

- 2.5 [7:56:25 PM](#) **06S16** – Rosecrest Communities, LLC – 4700 W Juniper Crest Road – Proposed Subdivision for a Public Right of Way Dedication – Zone: R-2-15 – Acres: 8.91 (Public Hearing)

Chair Clint Smith reminded those present that the item was withdrawn.

- 2.6 [7:56:34 PM](#) **07S16** – Rosecrest Communities, LLC – 4700 W Juniper Crest Road – Proposed Subdivision of 66 Single Family Lots – Zone: R-1-15 – Acres: 19.27 – Units: 66 (Public Hearing)

Chair Clint Smith explained that item 2.6 and 2.7 will be discussed together.

City Planner, Bryn McCarty oriented the commission with an aerial map, overall plan and site plan.

Matt Watson (applicant), Rosecrest Communities, oriented the commission with the location of the proposal. Pod 30 would be adjacent to Plat Z and east of Plat S. He reviewed total overall numbers, reporting that Rosecrest East Herriman PUD had been approved for 4,719. To date, 572 single family lots and 614 multi-family units have been built, for a total of 1,186 units. That leaves 3,533 remaining units to be built. The proposal was for 66 single family lots leaving the remaining total to 3,467. A table illustrating the open space amounts was shown. The site plan was presented and the lot sizes were described. The same elevations will not be allowed next to each other in this development. Existing trail systems were described. An HOA buffer was illustrated. Setbacks are 19 feet to the front 15 feet to the rear.

Commissioner Adam Jacobson asked whether or not Plat S would have private roads, the response was that it would have private roads. He asked where Juniper Crest would end. It was pointed out on the site plan.

[8:04:22 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, announced that he believed that the commission was out of order for not hearing item 2.5. He didn't have a problem with the layout of the pod however, he felt concerned that there wasn't any available open space for the residents or in the near vicinity. He was also concerned about access because Juniper Crest road was not yet built and was not approved. He felt that it needed to be addressed before the development was approved.

[8:06:49 PM](#) Chair Smith closed the public hearing.

Mr. Watson responded that they would be required to work with staff to meet all engineering approvals. He stated that even if the road was not approved he could still move forward and make changes. The right-of-way would only add 13 feet to the side of the road and it wouldn't affect the subdivision.

Chair Clint Smith turned time to the commission for further discussion and possible action on the two items. Commissioner Adam Jacobson felt that they should wait until the road was looked at. Commissioner Chris Berbert agreed and stated that staff requirements would require the applicant to provide a traffic impact study and agreed that was what was needed. Commissioner Jeremy Burkinshaw felt that the proposal was a little ahead of the horse and the Juniper Crest Road issue should be solved to see how the subdivision layouts out and how the subdivision next to it will layout. Commissioner Robyn Shakespear and Blayde Hamilton agreed with Commissioner Burkinshaw.

Commissioner Jeremy Burkinshaw **MOVED** to continue the item without date.

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 Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

- 2.7 [8:10:00 PM](#) [56C07-12](#) – Rosecrest Communities, LLC – 4700 W Juniper Crest Road – Final PUD Approval for 66 Single Family Lots – Zone: R-1-15 – Acres: 19.27 – Units: 66

Commissioner Jeremy Burkinshaw **MOVED** to continue the item without date.

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 Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

3. [8:10:38 PM](#) **New Items of Subsequent Consideration:**

Commissioner Adam Jacobson requested that the parking ordinance be on the upcoming agenda. City Planner, Bryn McCarty reminded him that current development agreements in place would not be affected by the change and responded that she would move the parking ordinance to the top of the list. Mayor Carmen Freeman commented that it could be added to the topics for the next joint meeting on March 31, 2016.

4. **Future Meetings:**

4.1 City Council Meeting – Wednesday, **March 9, 2016 @ 7:00 PM**

Chair Smith reported that the regular City Council meeting had been cancelled and that they would only have a work meeting at 5:00pm.

4.2 Planning Commission Meeting – Thursday, **March 17, 2016 @ 7:00 PM**

City Planner McCarty reported a Joint Meeting to be held on March 31, 2016 at 6:00pm

5. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.

Commissioner Adam **MOVED** to adjourn the meeting and Commissioner Chris Berbert **SECONDED** the motion. The voting was unanimous. Motion carried.

The meeting adjourned at [8:13:00 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 March 3, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder