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## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, May 5, 2016

Approved May 19, 2016

[6:08:32 PM](#) **6:00 PM - Work Meeting:** *(Front Conference Room)*

### Attendance

#### **Planning Commission Members:**

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

#### **Council Members:**

Mayor Carmen Freeman, Coralee Wessman-Moser

#### **City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Blake Thomas, City Engineer

### Discussion of Mobile Stores

City Planner, Bryn McCarty provided the current ordinance for mobile stores and explained it was for a business like the Snow Cone Shack at Smith's, in their parking lot, that would be there for three months during the summer and then be gone. She added that staff wanted to write an ordinance for a business, such as, a food truck and a small scale but permanent shop like a Pop Shop type of business. The ordinance currently has a requirement of 120 days; if a food truck wants to be in the city then they have to get a new license every 120 days and move locations. Commissioner Jeremy Burkinshaw commented that there were two big issues regarding food trucks in Salt Lake City; where the truck is set up and where the bathroom is placed. The food truck owner would be required to get a signed bathroom permission slip from each and every owner within 500 feet of the truck. City Planner, Bryn McCarty stated that they would work with Salt Lake City to understand those issues and concerns before they write the ordinance. Another issue would be who enforces the ordinance. Commissioner Adam Jacobson liked the idea of maintain that this type of license expires because of any issues that may come forward during the time they are in business, but he didn't think that they needed to move locations at the expiration of the license. Mayor Freeman questioned how sales tax revenue would be tracked. These business owners will take business from other permanent entities. It has been discovered that some business owners have paid sales tax to the city where the owner lives (which is not the right way to pay sales tax). A discussion about options for license requirements took place. City Planner, Bryn McCarty also requested suggestions for a license for business owners like a Pop Shop or a coffee shop in a parking lot. The comments made were that the owner of that type of business is still a commercial business because of the permanent structure.

City Planner, Bryn McCarty provided a list of ordinance text changes that the commission may want to work on in the near future. She requested that the commission prioritize the list. A discussion about the items and time frames for which ones should be next on the list took place. Planner McCarty summarized that the items up next should be parking, multi-family design criteria, and windmills and solar panels. Planner McCarty reported that she would reorder the list and provide it to the commission. She also requested any items that the commission would like to add to the list.

 [6:39:30 PM](#) Review of Agenda Items

2.1 Evans & Associates – LDS Church – applicant provided new building elevations and material boards.

3.1 Proposed text change to the A-.25 zone regarding density. The density was lowered in a PUD from 3 to 2.8 units per acre. If you are combining properties they must be from different property owners with a maximum density of .2 units per acre in that category.

3.2 Proposed text change to the land use ordinance regarding open space requirements in a PUD. The main reason for the change was to require that a contiguous parcel be more of a useable space. Also, a phrase was added requiring that the useable space have an amenity from the parks master plan and that it does not include unbuildable property. In regards to sports fields, a phrase was added requiring parking lots for those fields to count as an amenity. These items would still be reviewed by the commission for approval. A text change of 25% for unbuildable open space was proposed and a discussion about how that change would affect developments took place. A concern was voiced that property would be devalued to the land owner from the developer. However, the majority of the commission felt that issue was not something they could look at or be involved with. The text change was made to the ordinance with the hope that developments would have more useable contiguous land with useable amenities. Chair Smith noted that the change to the ordinance language could be put in place and could always be changed in the future if it doesn't work out.

3.3 Proposed text change to the land use ordinance regarding future use of the A-.25 will state that it is the intent of the city not to use this zone any more.

City Planner, Bryn McCarty briefly presented a question for Alpine Homes. They asked her to show the commission some elevations prepared for roof pitch. The applicant's CCR's match the zoning guidelines with the ordinance for roof pitch. The ordinance does allow for an exception if there are compensating architectural features. Elevations / renderings were shown. Commission did not like the design and felt the applicant did not add compensating architectural features. The applicant did report to staff that they used more stone and windows as compensating features, however, commission did not agree. Planner McCarty would report to the applicant.

It was noted that there will be a public hearing for the last text change on the agenda and all text changes are recommendations to the council.

Meeting adjourned at [7:02:59 PM](#)



[7:05:59 PM](#)

## 7:00 PM - Regular Planning Commission Meeting:

### Attendance

#### **Planning Commission Members:**

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

#### **Council Members:**

Mayor Carmen Freeman, Coralee Wessman-Moser

#### **City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Cindy Quick, Deputy Recorder  
Blake Thomas, City Engineer

## 1. General Business:

Welcome

Chair Clint Smith welcomed those in attendance.

- 1.1 [7:06:18 PM](#) Invocation and Pledge  
Mayor Freeman offered the invocation and Coralee Wessman-Moser led us in the pledge.
- 1.2 [7:07:50 PM](#) Roll call:  
Full Quorum, Wade Thompson absent
- 1.3 [7:07:57 PM](#) Approval of Minutes for: **April 21, 2016**  
Commissioner Jessica Morton **MOVED** to approve the minutes for April 21, 2016.  
Commissioner Robyn Shakespear **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 policy and procedure.

- 2.1 [7:09:07 PM](#) **19C16** – Evans & Associates – 5520 W Mirasol Ln – Conditional Use Approval for an LDS Church – Zone: R-2-10 – Acres: 3.287

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. She reminded the commission that they had requested additional stone be added to the elevations as required by ordinance. Elevations were shown. The materials board was shown during the work meeting. The plat had been approved at the last meeting. Fencing was required along the north and east side of the property.

Commissioner Chris Berbert **MOVED** to approve the item with staff recommendations and requirements.

Commissioner Jessica Morton **SECONDED** the motion.

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

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	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.*

#### 3.1 [7:11:34 PM](#) **06Z16** – Herriman City – Proposed Text Change to the A-.25 zone Regarding Density (Public Hearing was opened on March 17, 2016)

City Planner, Bryn McCarty oriented the commission with proposed text changes for the density criteria for A-.25. Two main changes were made; the maximum density was reduced from 3 to 2.8 units per acre and there is criteria that allows additional density for combining properties, language was added to require that those properties must be consolidated from different property owners and a maximum density of .2 units per acre. A new zone will be created for newer properties.

[7:13:31 PM](#) Chair Smith 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

[7:13:47 PM](#) Chair Smith closed the public hearing.

Chair Smith reported being happy with the changes made.

Commissioner Jeramy Burkinshaw **MOVED** to recommend to the city council to approve the text changes.

Commissioner Adam Jacobson **SECONDED** the motion.

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

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

Vote passed.

Motion carried.

3.2 [7:15:16 PM](#) **07Z16** – Herriman City – Proposed Text Change to the Land Use Ordinance Regarding Open Space Requirements in a PUD (Public Hearing was opened on March 17, 2016)

City Planner, Bryn McCarty oriented the commission with proposed text changes for the land use ordinance. The changes proposed would clarify what would count as open space and how much it would count. The ordinance requires that half the open space be maintained in one contiguous parcel, however, the city was not getting flat, useable open space, as intended. An additional statement was proposed, stating that open space will need to be a useable size and shape, and provide amenities outlined in the parks master plan. An additional change would be to a detention; the detention would only count for useable space if it provides an amenity, for example, a soccer field with parking. An additional phrase was proposed for unbuildable open space, that it only counts at 25% of the open space requirement. The intent was to obtain more useable open space.

[7:17:48 PM](#) Chair Smith 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

[7:17:58 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson reviewed the text changes. The commission agreed with the detention basin text change. He then gave an example of a 20 acre development, the requirement would require four acres of open space. One half of the open space must be in one contiguous parcel, which means two of those four acres must be in one contiguous lot and one acre could be a detention pond with another acre as an additional park. He then reviewed open space that is unbuildable (i.e., one acre of wetland – documented that it has no inherent intrinsic value to the city because it cannot be improved). If there was no percentage specified then the developer and land owner get a benefit for the unbuildable land if it is not counted at 20% or 50%. He also suggested that the wording in the text should say “shall,” not “may only.” He noted that PUD’s are a benefit to the community and felt that the unbuildable open space percentage needed to be reduced to encourage PUD’s. He reported that two public meetings were held regarding this change and to his knowledge there haven’t been any land owners who have spoken against the change. City Planner, Bryn McCarty reported speaking with a few people but there had not been emails or phone calls complaining about the change. Commissioner Chris Berbert mentioned that when the land is received as open space the city maintains that land. Fifty percent is unusable and if it changes to 25% he felt that the city would receive close to the same acreage because the developer gives that property to the city to maintain. Chair Clint Smith asked if the city typically ends up with more than the required 20% of open space because they don’t want to hold on to it. The response was no. The drainage would still be counted as open space but it would be unuseable. Now the ordinance would require that the open space be a useable space that provides an ammentity. Commissioner Chris Berbert suggested that 30% is where the city starts to see a benefit of more useable land.

Commissioner Adam Jacobson **MOVED** to recommend to the council to approve the item with two changes; In the ordinance, it states, right after the word contamination, may only, it needs to be replaced with shall; on the next page, there is another may only, after contamination, that needs to be shall.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

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

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

Vote passed.  
Motion carried.

3.3 [7:30:45 PM](#) **08Z16** – Herriman City – Proposed Text Change to the Land Use Ordinance Regarding the Future Use of the A-.25 zone (PUBLIC HEARING)

City Planner, Bryn McCarty oriented the commission with proposed text changes for the land use ordinance for the A-.25 zone. She reported that staff was working towards a new zone called agricultural low density. Herriman City Attorney, John Brems and City Planner, Bryn McCarty came up with the wording, it is the intent of the city council to no longer use the A-.25 zone in any future rezoning. Everyone that currently has A-.25 will continue to have that zone criteria, however, it is not the intent of the city to use that zone criteria moving forward.

[7:32:05 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:**

None

[7:32:18 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson **MOVED** to recommend approval to city council for the item with staff recommendations.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

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

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

Vote passed.  
Motion carried.

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

Commissioner Adam Jacobson thanked staff for the text changes. Chair Smith echoed and appreciated the clarification to these ordinances. Commissioner Shakespear thanked staff as well.

5. **Future Meetings:**

5.1 City Council Meeting – Wednesday, **May 11, 2016 @ 7:00 PM**

5.2 Planning Commission Meeting – Thursday, **May 19, 2016 @ 7:00 PM**

6. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.

Commissioner Jessica Morton **MOVED** to adjourn the meeting and Commissioner Jeremy Burkinshaw **SECONDED** the motion. The voting was unanimous. Motion carried.

The meeting adjourned at [7:35:05 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 5, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



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Cindy Quick, CMC  
Deputy Recorder