



PLANNING COMMISSION AGENDA

Thursday, September 1, 2016

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at 13011 South Pioneer Street (6000 West), Herriman, Utah.

6:00 PM - Work Meeting: *(Front Conference Room)*

1. Review of Agenda Items

7:00 PM - Regular Planning Commission Meeting:

1. **General Business:**

Welcome

- 1.1 Invocation and Pledge
- 1.2 Roll call
- 1.3 Approval of Minutes for: **August 18, 2016**

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.

- 2.1 **23S16** – HTC Communities, LLC – 13295 S Herriman Rose Blvd – Proposed Subdivision of 5 lots which includes 3 Single Family Lots, LDS Chapel, and HOA Open Space – Zone: MU-2 – Acres: 8 – Units: 5 (**Public Hearing**)
- 2.2 **14C08-20** – HTC Communities, LLC – 13295 S Herriman Rose Blvd – Final Master Plan Approval for 5 lots which includes 3 Single Family Lots, LDS Chapel, and HOA Open Space – Zone: MU-2 – Acres: 8 – Units: 5
- 2.3 **24S16** – HTC Communities, LLC – 13295 S Herriman Rose Blvd – Proposed Subdivision of 78 Single Family Lots and 16 Townhome Units (Pod 25) – Zone: MU-2 – Acres: 12.30 – Units: 94 (**Public Hearing**)
- 2.4 **14C08-21** – HTC Communities, LLC – 13295 S Herriman Rose Blvd – Final Master Plan Approval for 78 Single Family Lots and 16 Townhome Units (Pod 25) – Zone: MU-2 – Acres: 12.30 – Units: 94
- 2.5 **45C16** – Rasmussen – 5216 W Windom Rd – Proposed Home Occupation for a Preschool Zone: R-M – Acres: .04
- 2.6 **44C16** – Croney – 14638 S Highfield Dr – Proposed Detached Garage – Zone: R-2-15 – Acres: .29

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 **15Z16** – Herriman City – Text change to the Land Use Ordinance to allow chickens on lots in residential zones (*Public Hearing opened on August 18, 2016*)

3.2 **14Z16** – Herriman City – Text change to the Land Use Ordinance to create a Technology and Manufacturing Zone (*Public Hearing opened on August 4, 2016*)

4. Chair and Commission Comments:

5. Future Meetings:

5.1 City Council – Wednesday, **September 14, 2016 @ 7:00 PM**

5.2 Planning Commission Meeting – **September 15, 2016 @ 7:00 PM**

5.3 Joint Work Meeting – **September 29, 2016 @ 6:00 PM**

6. Adjournment:

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the planning commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Cindy Quick, Deputy Recorder. In general, the chair will allow an individual three minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Cindy Quick, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.utah.gov/pmn/index.html and on Herriman City's website www.herriman.org.

Posted and Dated this 26th day of August, 2016

*Cindy Quick, CMC
Deputy Recorder*



PLANNING COMMISSION MINUTES

Thursday, August 18, 2016

Waiting Formal Approval

The following are the minutes of the Planning Commission Meeting held on **Thursday, August 4, 2016 at 6:00 p.m.** in the Herriman City Community Center, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Commission and media.

Presiding: Chair Clint Smith

Commission Members Present: Chris Berbert, Andrea Bradford, Adam Jacobson, Jessica Morton, Robyn Shakespear, Wade Thompson

Council Members Present: Mayor Carmen Freeman, Coralee Wessman-Moser

City Staff Present: City Planner Bryn McCarty, Planner I Sandra Llewellyn, Assistant City Manager Gordon Haight, City Engineer Blake Thomas, City Attorney John Brems, Planning Intern Craig Evans

6:00 PM - Work Meeting: *(Front Conference Room)*

1. 6:05:05 PM Introduction of new Planning Commissioners

Chair Clint Smith introduced new Planning Commission Member Andrea Bradford and explained that Curtis Noble will now be a Planning Commission Member as well. Andrea Bradford briefly introduced herself. Curtis was unable to attend but will be at the next meeting.

City Planner Bryn McCarty briefly described new information in the planning commissioner binders for the new commission members. She reminded the commission that their personal information would be private. Any notices come to planning staff and will be forwarded to them. Briefly reminded commission about an upcoming training.

City Council will be having a retreat on August 29, 2016 and the planning commission was invited to attend. It would be from 9:00am – 3:00pm and there was a field trip planned to commercial sites for business park and manufacturing locations, this was in an effort to continue working on the technology zone.

2. 6:12:07 PM Election of Officers

Chair Clint Smith first meeting in August by policy continued to this meeting due to a small quorum last meeting. Noted that Jeramy who was serving as a vice chair submitted a letter explaining that his work schedule

and travel schedule will be busy and will miss meetings and basically resigned to allow someone else to cover the position. Chair Smith explained he's enjoyed serving and would be happy to continue. He reported that the Vice Chair position would be a good learning opportunity. Asked for a nomination for Chair.

*Commissioner Wade Thompson MOVED to nominate Clint Smith as Planning Commission Chair.
Commissioner Jessica Morton SECONDED the motion.*

The vote was recorded as follows:

*Commissioner Chris Berbert Yes
Commissioner Andrea Bradford Yes
Commissioner Adam Jacobson Yes
Commissioner Jessica Morton Yes
Commissioner Robyn Shakespear Yes
Commissioner Wade Thompson Yes*

The motion passed unanimously.

*Commissioner Wade Thompson MOVED to nominate Jessica Morton as Planning Commission Vice Chair.
Commissioner Robyn Shakespear SECONDED the motion.*

The vote was recorded as follows:

*Commissioner Chris Berbert Yes
Commissioner Andrea Bradford Yes
Commissioner Adam Jacobson Yes
Commissioner Jessica Morton Yes
Commissioner Robyn Shakespear Yes
Commissioner Wade Thompson Yes*

The motion passed unanimously.

3. [6:17:35 PM](#) **Review of Agenda Items**

Item 2.1 – Carl's Jr. – would be in the Town Center next to America First Credit Union. Chair Clint Smith asked for clarification whether or not the application had an issue (complaint). The response was no. The building elevation was approved through the Town Center with the addition of more brick on the front. A discussion about building materials took place.

Item 2.2 – Monopole – the location of the monopole would be Mountain View and almost Porter Rockwell. Staff had received calls from residents because the residents were not certain about the location and they were worried it would affect their view. However, it was discovered that the monopole would not affect their view.

Item 2.3 – Design Book for the Anthem Commercial Center – John Gust, (applicant) would be present at the meeting. Assistant City Manager Gordon Haight explained that the design book would be part of the development agreement that would go to City Council next month. Commissioner Chris Berbert understood that the proposal was less than 60% brick or stone but he wondered how much less. The applicant was not

aware. City Engineer Blake Thomas noted that the street lights and parking lot lighting was different from the city standard and a brief discussion ensued.

Item 2.4 – Oak Hollow – elevation for the subdivision model home.

Item 2.5 – Six Single Family Lots – staff had a few issues regarding the private driveway and the layout. A discussion about the private driveway and access took place. Chair Clint Smith wondered about the sliver of land along the driveway. The response was that it was a part of lot six. City Planner Bryn McCarty suggested leaving the public hearing open to work through some of the issues with the applicant.

Item 2.6 & 2.7 – 85 Townhome Units – the address on the application was not accurate. Subdivision and Final PUD approval. The property was approved for 12 units per acre but the proposal was for less. The unit summary was not provided with the application. Main Street improvements would most likely be a fee in lieu due to timing of the development. The units would have two car garages and driveways. Available guest parking was discussed. The commission had concern with the area on the plan that was empty and questioned what the plan for that area was. City Planner Bryn McCarty stated that the property was not part of the development. Tim Soffe reported that it was promised to the adjacent development. Commissioner Adam Jacobson was concerned with the public access for the area and thought it was for a school. Tim Soffe (applicant) said one condition was to provide public access to the area and a precast wall was planned.

Item 2.8 & 2.9 – Subdivision and PUD Amendment for Pod 8. Matt Watson explained that there a Plan A and Plan B were presented at the last meeting based on the option for Salt Lake Community College (SLCC) to purchase the area. He explained that the land owner was still working with SLCC but they were not able to close in August and did not sign a purchase contract. SLCC has received an appraisal and they have gone to the Board of Trustees where they received a ‘yes,’ pending approval from the Board of Regents and appraisal. After which, SLCC could purchase the property. The amendment was proposed because they don’t have two months to wait and wanted to move forward. It was reiterated that the purchase of the property was not off the table. The Board of Regents would be mid-September, however, it may not happen. Chair Smith noted that the applicant concern was a timing concern but he didn’t feel that it was a concern a month ago and thought that they could wait. Mr. Watson explained that the buyer does not have to sell to the community college and didn’t want to have to wait.

Item 3.1 – DeHaan Rezone – the subdivision was approved last week and two of the lots were being rezoned to A-.50.

Item 3.2 – Ordinance to Allow Chickens – the ordinance was the same as the one presented five years ago, however a permit would no longer be required.

Meeting Adjourned [7:02:47 PM](#)



7:00 PM - Regular Planning Commission Meeting:

Presiding: Chair Clint Smith

Commission Members Present: Chris Berbert, Andrea Bradford, Adam Jacobson, Jessica Morton, Robyn Shakespear, Wade Thompson

Council Members Present: Mayor Carmen Freeman, Coralee Wessman-Moser

City Staff Present: City Planner Bryn McCarty, Planner I Sandra Llewellyn, Deputy Recorder Cindy Quick, Assistant City Manager Gordon Haight, City Engineer Blake Thomas, City Attorney John Brems, Planning Intern Craig Evans

1. General Business:

7:06:29 PM Welcome

Chair Clint Smith welcomed those in attendance.

1.1 7:07:06 PM Invocation and Pledge

Kelli Mackerell offered the invocation and Chris Grayson led us in the pledge.

1.2 7:08:01 PM Roll call:

Full Quorum, Jeremy Burkinshaw absent

1.3 7:08:15 PM Approval of Minutes for: August 4, 2016

Commissioner Robyn Shakespear MOVED to approve the minutes for August 4, 2016.

Commissioner Wade Thompson SECONDED the motion.

The voting was unanimous.

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 reported that two new alternates were approved by the City Council for membership on the Planning Commission. Andrea Bradford attended the meeting and Curtis Noble will be at the next meeting. During the work meeting the annual election of Chair and Vice Chair took place. Clint Smith was reappointed as the Chair and Jessica Morton was appointed as Vice Chair.

Chair Smith reviewed the public comment policy and procedure.

2.1 7:10:59 PM **41C16 – CEI Engineering Associates – 5402 W 13400 S – Conditional Use for a Carl's Jr Zone: MU-2 – Acres: .82**

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show the location of the Carl's Jr which will be sharing a driveway with America First. There will be a drive through around the back. The proposed building elevations were approved through the Town Center. The elevations and the monument sign were shown. The monument sign was approved by staff if the building was approved. There will be a precast wall along north side of property with residential on the east side. There will be landscaping along the road and around the back. The parking requirement was met.

Eric Wilhite, CEI Engineering Associates, 3030 LBJ Freeway, TX was representing the applicant. Commissioner Adam Jacobson wondered if the elevation included red paint. Mr. Wilhite reported that the red was an aluminum composite metal and that there would be stucco where the star extends into the brick, however, it would still meet all the masonry requirements.

A comment form was submitted for the item and Chair Smith along with consensus from the commission allowed public comment for the item.

Chris Grayson, 13338 S Silver Clover Ln, lives across the street from the proposed Carl's Jr. He was concerned being so close to the restaurant and was worried about the smell. He was also worried what it would do to his property value. He was asked to point out the location of his home which was a street away from the restaurant.

Chair Smith turned to the commission for further discussion. Commissioner Chris Berbert mentioned that he thought requiring additional landscaping may help with Mr. Grayson's concerns. Commissioners noted that the area was zoned commercial and does meet the general plan. Commissioner Berbert suggested that additional trees could be added to the northwest corner and suggested the addition of two or three.

Commissioner Chris Berbert MOVED to approve the item with the requirements listed and to add in the landscaping, to place at least three additional trees with a minimum two inch caliper on the northwest corner of the property.

Commissioner Jessica Morton SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Adam Jacobson Yes

Commissioner Jessica Morton Yes

Commissioner Robyn Shakespear Yes

Commissioner Wade Thompson Yes

The motion passed unanimously.

2.2 [7:20:49 PM](#) [39C16](#) – Technology Associates/Verizon Wireless – 15305 S 3200 W– Proposed Verizon Wireless Monopole – Zone: A-1 – Acres: 110.88

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show the location of the proposed monopole. Jordan Valley owns the property to the west. The monopole would be 80 feet tall. A fence would be required around the tower and any structures. Staff did receive a few calls with concerns about the location, once the location was described the callers seemed less concerned.

Commissioner Jessica Morton wondered the height of the monopole at the high school. The response was about 100 feet.

Dakota Hawks (applicant), 5710 Green St, Murray, currently has a site on the roof of the property. Due to technology changing there is a need for more equipment and they'd be getting in the way of the water district's day to day business. Therefore, they need to find a different location. The proposed location would be near a 60 foot tall water tank. The current height off of the building is 85 feet. Commissioner Wade Thompson asked if there would be additional requests in the future. The response was that the request would be for just this time. They did lease a bigger foot print in case of a need for expansion of the ground equipment.

Commissioner Adam Jacobson would like a stealth option with solid fencing. He wondered if a stealth water tower may look good next to another water tank. Chair Smith asked Mr. Hawks about the stealth look. Mr. Hawks reported that Jordan Valley Water does not want a water tower stealth look. Commissioner Chris Berbert discussed the possibility how the area may be developed. He felt that with precast walls on both sides of the highway it would not be necessary to make it stealth. Chair Smith felt both commission members made good points. City Planner McCarty pointed out the Jordan Valley expansion and residential on both sides of the canal and the other side of the freeway. Chair Smith felt that stealth may make it stand out more as it's developed now and felt fine with the proposal.

Commissioner Chris Berbert MOVED to approve the item with staff requirements and a precast wall on item number two. Commissioner Wade Thompson SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Chris Berbert</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>No</i>
<i>Commissioner Jessica Morton</i>	<i>Yes</i>
<i>Commissioner Robyn Shakespear</i>	<i>Yes</i>
<i>Commissioner Wade Thompson</i>	<i>Yes</i>

The motion passed unanimously 5:1.

2.3 [7:32:51 PM](#) Review and approval of the Design Book for the Anthem Commercial Center – 5401 W 11800 S

City Planner, Bryn McCarty oriented the commission with design guidelines for the Anthem Commercial Center located at 11800 S Mountain View Corridor. The design book has been reviewed at past work meetings. A video of the planned design for the area was shown. The design book would go to the city council for a final decision after recommendation from the commission. The design book was briefly reviewed. The applicant added more stone and masonry accents along the main buildings. A material board and sign plan was shown.

Commissioner Andrea Bradford questioned the location of the Walmart due to having multiple stores relatively close to each other.

John Gust, Anthem Center LLC, 8215 W 3645 S Magna, UT, responded that the stores are currently spaced about three and a half miles apart. Within a five mile radius of the site there are 165,000 people and projections of another 70,000. In that growth period, the demographic study gave them confidence to support the center. The store can be supported by as little as 35,000 – 40,000 people. The design is modern and fits in the area well. He has had great response from tenants. The buildings will be in the ground by the first quarter of next year. Walmart would be in by the last quarter of this year or first quarter of 2017. Most tenants would be in by the first quarter of 2018. Commissioner Jessica Morton asked how many buildings would be in the development. Mr. Gust responded that almost half a million square feet of retail space would be developed and included both sides of Anthem Park Blvd. He mentioned one area on the site plan that could change after a meeting in the near future. He would bring that change back to the commission next month.

Chair Clint Smith turned time to the commission for further discussion. Commissioner Chris Berbert mentioned that he liked the glass, the stone, the fiber cement and the signs, however, he had reservation with the decreased brick/stone. He was worried about how it would look overtime. Commissioner Jessica Morton agreed and was glad the applicant added more brick and masonry. Commissioner Robyn Shakespear felt that Herriman was making a statement with the brick/stone requirement. Chair Clint Smith appreciated the addition of brick/stone provided but still felt concerned with the percentage for the overall project. He did like the flow and design of the development and was excited about the project. He felt the development was needed thought it should be very successful. City Planner Bryn McCarty reminded commission that the ordinance does require 60% brick/stone, however Council can grant an exception for larger developments with an approved design guideline. Commissioner Adam Jacobson felt concerned with the rear elevation. He suggested a berm to soften the look. Commissioner Jessica Morton suggested adding more brick/stone to the stand alone buildings or big boxes.

Mr. Gust advised the commission that a hardy plank product would be used throughout the development. There would also be different colors and glass features in the design which would add interest. He pointed out the variations and different colors and products along the rear elevation and felt that it made the back nice. He reported the property along Anthem Blvd sets low and would be difficult to berm but they would do as much as they can. He pointed out brick accents on the big box stores. He revealed that Ross and Toys R Us will be coming to the project.

Commissioner Jessica Morton MOVED to recommend approval to the City Council for the item with an addition to add masonry to the buildings, if not on the big boxes then the stand alone buildings. With an overall percentage of 40%.

Commissioner Adam Jacobson SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Chris Berbert</i>	<i>Yes (as long as the overall percentage of 40% does not include glass)</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Jessica Morton</i>	<i>Yes</i>
<i>Commissioner Robyn Shakespear</i>	<i>Yes</i>
<i>Commissioner Wade Thompson</i>	<i>Yes</i>

The motion passed unanimously.

2.4 [7:56:18 PM](#) [25C06](#) – Oak Hollow – 6767 W Rose Canyon Rd – Proposed exception to the CC&Rs for a home in Oak Hollow

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. She reminded the commission that CC&R's had been approved at the last meeting. They made a change to add the requirement for 40% brick or stone with an exception to allow for certain homes to come back to the commission for an exception. The proposed elevation for the model home that they would like to build was shown. A photo of a similar style and look was shown. The remainder of homes will meet the 40% requirement or be brought to the commission on a case by case basis. Any home that does not meet the requirements would come to the commission for approval.

Commissioner Adam Jacobson noted that the home in the elevation seemed drastically different than the home in the photo. The elevation presented looked more traditional, much smaller and was more of a standard home, without brick. The unique features of roof pitches and windows presented in the photo were not included in the elevation. He would like the elevation to match the photo or add more brick/stone.

Commissioner Adam Jacobson MOVED to continue the item without date. With the applicant bringing back either more stone on the house that was proposed or bringing a house that looks more like the house that was in the picture.

Commissioner Chris Berbert SECONDED the motion.

The motion passed unanimously.

2.5 [8:02:10 PM](#) [25S16](#) – Brad Baldauf – 6952 Dusty Rose Circle – Proposed Subdivision of 6 single family lots – Zone: A-.25 – Acres: 3.8 (Public Hearing)

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show the location of the proposed subdivision. The current driveway was a gravel road. The proposal was for an existing home and five additional lots. The applicant would be required to pave the road. Staff had concerns regarding the layout, the remnant parcel and the ownership of the road. The plat was part of a larger plat that would have to be amended. There were some issues that need to be figured out with engineering. There were a couple of easements on the plat that need to be cleared up. The driveway (gravel road) would be the access for seven lots. A discussion regarding the driveway and the adjacent remnant piece took place. Commissioner Jacobson pointed out that Brad Lane would be using the Perry property for the road. Chair Clint Smith had an overall concern with the layout. More engineering may need to be required before moving forward. Commissioner Jacobson felt that the road would need to be public.

Brad Baldauf (applicant), 6952 Dusty Rose Circle, reported having a signed letter from Chris and Corey saying that it would be okay to use the entrance. It would be deeded and become part of the HOA which would make it closer to 83 feet. The lane has been used for 10 years. Half of the road would be on his property and half was on their property which has worked well so far. Chris and Corey have approved the drawings and the road access. Chair Smith asked for clarification that they do realize they would be giving up the land. Mr. Baldauf's response was that they do. He noted that increasing the road size would cause the lots to be smaller. The HOA will maintain the road.

[8:12:23 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:

Tami Muniz, 14103 S Maria Way, was concerned with the height of the homes to be built because of how it will change her view. She reported paying premiums for her lot due to the view. She would prefer not to have two story homes.

Cressalynn Evans, 14087 S Maria Way, reported that there would actually be eight homes using the road, not five. She also mentioned that the Perry's currently have their home up for sale. She was concerned with noise and her view being obstructed. She would like to see the elevations before they're approved. She described a drainage problem that would need to be addressed. She also felt concerned about being able to exit in the event of a fire. She informed the commission that currently her power goes on and off about six times a day.

[8:16:30 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson felt there were too many concerns to move forward. Chair Clint Smith agreed and reviewed the concerns of easement issues, access and other homes. City Planner McCarty asked for clarification and consensus for the road being public or private. Commissioner Adam Jacobson felt that HOA's are not usually done with small parcels. Chair Smith was undecided. He understood that private roads are allowed in the community and there are pros and cons regarding access and maintenance. He felt some of the issues needed to be worked out to know which would be more appropriate. He was not against a private road. Commissioner Robyn Shakespear felt more info would be needed and Commissioner Chris Berbert agreed and suggested that the public road concept needed to be looked out in terms of how it would affect the overall design. He does want as large of lots as possible but all aspects needed to be considered.

Commissioner Chris Berbert MOVED to continue the item without date.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

2.6 [8:21:08 PM](#) 28S16 – Think Architecture – 12547 S 6000 W – Proposed Subdivision of 85 Townhome units – Zone: R-2-10 – Acres: 9.11– Units: 85 (Public Hearing)

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

City Planner Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show location of the proposed subdivision. The proposal was part of Miller Crossing. Pod 14 is about 12300 S 5300 W. The surrounding areas were described. 85 townhomes with 12 units per acre were approved and are now proposing nine units per acre. A precast wall would be required on Main Street. She noted that Miller Crossing Design Guidelines require 30% brick or stone. Color boards were shown. Two car garages and driveways with basements.

Tim Soffe, Think Architecture, informed the commission that the parcel was low on density. The masonry was over the 30% requirement. The parking requirements were met at four per unit and an additional 12 to 15 guest spaces. He reported that a single access would be acceptable for 30 units or they would be required to obtain an access easement through Anthem. They would most likely have a fee in lieu for landscaping and road improvements along Main Street.

Chair Clint Smith asked if the roads were public or private. The response was private. Then the question would be if Anthem needed access through the development and how would it work. Anthem would not need the access, the applicant would need to make sure they had an agreement to use the roads through the Anthem development as a second access.

[8:27:56 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:

Haley Hill, 5843 W Deon Ct (12555 S), was concerned with high density housing and felt that it was a huge problem in Herriman. She felt that the schools are crowded and taxes are high. She posted about the proposed subdivision and received many comments indicating they would like the high density to stop. She believed the crime rate would go up and schools would continue to be over crowded which made her feel like the city was out of balance. She alleged that the general consensus was that city council and planning commission do not care and hoped it would change in the future.

Aaron Slagowski, 5942 Grandpere Ave, echoed the statements of Haley Hill. He had the same concerns: traffic, over crowding of schools and crime rates. His understanding was that the median household income dropped in the last few years because of people the city was attracting.

[8:33:12 PM](#) Chair Smith closed the public hearing.

Chair Smith thanked those sharing comments and taking time to make comments.

Commissioner Chris Berbert still felt concerned with the parking and would like to see additional visitor parking spaces. Commissioner Adam Jacobson and Jessica Morton agreed. Commissioner Jacobson also voiced concern with the area on the site plan that was left blank. He would also like to ensure the city require builders to report on numbers for the master plan. Commissioner Wade Thompson asked to be reminded about adjacent developments. In response, Sagegate, Arches (single family homes) and Yosemite (townhouses) were pointed out, as well as Trax along Main Street. Commissioner Jacobson asked for clarification about the private road. The road would be an Anthem HOA maintained road way for secondary access and legally it would not be a public right of way. Chair Smith requested that the parking ordinance be addressed especially because of parking issues in higher density areas. He understood that the proposed plan would exceed the requirements of the current ordinance. City Planner McCarty pointed out that the development agreement had been approved and would make a difference as well. Chair Smith recommended that all units would be required to have basements. Commissioner Jacobson requested a map for the guest parking stalls. Commissioner Thompson

requested being able to see the agreement with Anthem for the private road. Commissioner Jacobson requested that the applicant provide information regarding the plan for the blank area of the development.

Commissioner Adam Jacobson MOVED to continue the item.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

2.7 [8:39:59 PM](#) [38C14-06](#) – Think Architecture – 12547 S 6000 W – Final PUD approval of 85 Townhome units (Miller Crossing Pod 14) – Zone: R-2-10 – Acres: 9.11 – Units: 85

Commissioner Adam Jacobson MOVED to continue the item with similar topics that were discussed with the subdivision prior and without date.

Commissioner Wade Thompson SECONDED the motion.

The motion passed unanimously.

Commissioner Jacobson also requested including the actual location when the item was to be renoticed.

2.8 [8:40:59 PM](#) [19S16-01](#) – Rosecrest Communities, LLC – 14473 S Autumn Crest Blvd – Proposed Subdivision Amendment to add 28 Townhome Units for a total of 125 units (Rosecrest Pod 8) – Zone: MU-2 – Acres: 7.92 – Units: 125 (Public Hearing)

Chair Smith noted that item 2.8 and 2.9 will be discussed together.

City Planner Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The proposal was for Pod 8 and it was noted that the item was approved about a month ago. The applicant had presented two different layouts because Salt Lake Community College (SLCC) was interested in purchasing the corner of the plan. The plan approved did not have units on the corner property. The applicant was proposing to amend the approval adding the units to the property, in the case that SLCC does not complete the purchase being that there would be several months before the purchase can be completed.

Matt Watson, Rosecrest Communities, provided an update on unit numbers. Pod 8 has 97 units with an additional 28, the total units would be 125. The remaining amount would be 3,096. The buyer proposing the townhomes does plan to sell the property to the community college, however, they have not signed a purchasing contract that they have been given. The proposed amendment would be so the buyer has an option available to move forward with plans. If SLCC does get approval then the buyer still wants to sell it to them. Chair Smith felt the purpose for Rosecrest was a timing issue. Mr. Watson stated that it was a timing issue for Rosecrest and for the buyer.

[8:45:50 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:

Jessica Davenport, Salt Lake Community College, reported that they were in the process of purchasing the 1.77 acres under discussion. SLCC was required to take the matter before the State Board of Regents and they plan to take it to their next meeting on September 15th and 16th. The contract with Vertical Development provided a closing date of 'on or before September 27th.' She asked that any decisions made on the item would not preclude SLCC from purchasing the property in the future.

[8:47:07 PM](#) Chair Smith closed the public hearing.

Chair Smith turned to the commission for further discussion. Commissioner Adam Jacobson voiced concern regarding a planned hammer head.

Mr. Watson explained that one of the conditions of approval would be to receive and agree to recommendations from other agencies, to meet the requirements of the international fire code. He reported that those approvals would be done. The point of the right of way was for future transit. Utah Transit Authority (UTA) would run in the middle of the road and the right of way would be moved closer to the buildings. Unified Fire Authority (UFA) was okay with the proximity of the major road to the units. They would grant variance for the length of the deadend without having the hammer head. Commissioner Jacobson questioned why there wasn't a hammer head at the bottom. The response was that it was just over 150 feet. UFA required the applicant to put it in. They were comfortable that in the future, when the right of way expands and moves closer, eliminating the hammer head, they would still be able to access the units for emergencies. Commissioner Jacobson asked about another proposed development. Mr. Watson explained that the reason was that it was under 150 feet, so it was not required.

Chair Smith understood the timing issue and noted that they have heard the intent of SLCC for purchasing the property. He felt that the timing issue was not enough reason to approve it he thought having SLCC purchase the property would be a cleaner look. Commissioner Adam Jacobson would like to see what the HOA amenities associated with the property were before moving forward.

Mr. Watson addressed HOA concerns and noted that the HOA would cover the private right of ways and would maintain and manage the common areas. An adjacent park and trail system was pointed out. Regarding the timing there would be no requirement for Rosecrest to hold the property. The intent was to sale it SLCC but they have not signed a purchasing contract. The application was an allowed use, the timing was irrelevant. The concern voiced by SLCC was that a decision would not limit their ability to purchase the property. The amended approval would not do that and would still be available for purchase.

Commissioner Wade Thompson would like to wait until everything was presented before approving the proposal. City Planner McCarty clarified with Mr. Watson that Rosecrest was selling the property to a builder, who was then selling it to SLCC. The builder would not close on the property until they had the entitlement on the whole property and cannot sell it to SLCC until they own it. Mr. Watson confirmed that was correct. He additionally explained that they are trying to move forward so everyone can close. The process for SLCC purchasing the property can still take place. Rosecrest wanted approvals to allow the property to close with all

parties involved. Commissioner Chris Berbert asked for clarification that Mr. Watson had mentioned that the process would begin in October. The response was affirmative.

Commissioner Wade Thompson MOVED to continue the item without date.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

2.9 [8:59:24 PM](#) [56C07-16](#) – Rosecrest Communities, LLC – 14473 S Autumn Crest Blvd – Proposed Amendment to the final PUD approval to add 28 Townhome Units for a total of 125 units (Rosecrest Pod 8) – Zone: MU-2 – Acres: 7.92 – Units: 125

Commissioner Wade Thompson MOVED to continue the item without date.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

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 [8:59:50 PM](#) [16Z16](#) – DeHaan – 7575 W Rooster Cove – Proposed Rezone from A-1 (Agricultural, one acre) to A-.50 (Agricultural, half acre) – Acres: 4.879 (Public Hearing)

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show the location of the property. The proposal was to rezone the property to A-.50. Part of the subdivision on the south was removed making the lots less than an acre. The applicant had also mentioned subdividing the front lot in the future. Pictures of the property were shown. The proposal does meet the general plan. The private road would need improvements.

Greg DeHaan (applicant), 7575 W Rooster Cove, would be dividing one lot off of 7530 W. Both existing homes are over $\frac{3}{4}$ of an acre.

[9:03:29 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

[9:03:49 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson MOVED to recommend to city council for approval for the item.

Commissioner Robyn Shakespear SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Adam Jacobson Yes

Commissioner Jessica Morton Yes

Commissioner Robyn Shakespear Yes

Commissioner Wade Thompson Yes

The motion passed unanimously.

3.2 [9:04:45 PM](#) [15Z16](#) – Herriman City – Text change to the Land Use Ordinance to allow chickens on lots in residential zones (*Public Hearing*)

City Planner, Bryn McCarty oriented the commission with the proposed text change allowing chickens in residential zones. The proposal to allow chickens would be based on lot size, single family lots and not townhomes. Details of the ordinance were reviewed. Chickens would not be allowed in the town center. The agricultural zone would allow more chickens than for a quarter acre lot. The maximum allowed would be ten. Staff receives calls regarding chickens almost daily. People want chickens and very few calls are complaints. Most people keep chickens clean and well maintained. The previous text change required a permit, however, with this proposal, requiring a permit was taken out.

Commissioner Jessica Morton questioned whether or not the ordinance would override the CC&R's in Rosecrest. The response was that it would not override CC&Rs but it would be up to Rosecrest to enforce that.

[9:10:37 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:

Kelli Mackerell, 5668 W. Eldora Cir, was pro chicken. She lives on .48 acre in Herriman Heights and currently chickens were not allowed. Commissioner Chris Berbert asked Ms. Mackerell how many chickens she would want. Her response was five chickens.

Christina Hackett, 5833 W. Muirwood Dr, reported living in Rosecrest and she was told that there were not any HOA's and and that CC&R's are no longer enforced. She was in support of the ordinance along with her neighbors. She turned time to her son, Bennet to read a statement regarding their feelings about chickens.

Bennet Hackett thanked the commission for listening to their concerns. He read from the Herriman City Mission Statement that Herriman is dedicated to preserving community identity and promoting a high quality of life. He felt that the quality of life would be higher if they were allowed to keep hens as backyard pets. He felt chickens make great back yard pets because they are docile and friendly and quiet, especially when compared to dogs. They eat scraps and make excellent fertilizer. He thanked the commission for being willing to discuss and

bring the ordinance back. He felt it was time for change. He reported that at least 37 U.S. cities already allow backyard chickens in residential zones. He also reported that 8% of residents in Denver, Miami, San Diego and New York City keep back yard chickens. He said it was time to embrace our heritage, honor our freedom and enjoy a more sustainable way of life.

Doran Barton, 14461 S Cuchara Wy, lives in Herriman Heights and felt that Bennet addressed the same issues he wanted to share. He reported that Libertas Institute had a website called freecities.org that ranks cities based on property rights. Herriman was 38 out of 50. He felt the ordinances that prevent home owners from having property rights is part of the reason. He stated that surrounding cities seem to have more lenient codes. He recommended removing the requirement of 40 foot spacing from structures and property lines because it was too restrictive.

City Planner Bryn McCarty clarified that the requirement was for 40 feet from a dwelling on an adjacent lot. The setback was three feet from the property line the requirement was 40 feet from a house on the adjacent property.

Tiffany Winegar, 5861 W Cuchara Wy, lives in Herriman Heights and was pro chickens and self sufficiency. She felt the ordinance was wonderful. She informed the commission that a friend of hers has a rooster that has to be put inside at night to abide by the noise ordinance. She was also pro fruit trees in backyards which she reported would be going against some of the codes and restrictions in neighborhoods.

Merilee Sine, 5754 W Muirwood Dr, lives down the street from the Hackett family. She had chickens in Riverton and heard about the Hacketts having to remove their chickens from their property. She currently takes care of their chickens until the ordinance could be changed. The Hackett coop is well maintained and their chickens are fabulous. She was pro self sufficiency as well. She felt that chickens were both economical and good for health reasons.

Aaron Hackett, 5833 W Muirwood Dr, contacted Rosecrest and spoke with the HOA Manager who explained to him that he no longer falls under the HOA or CC&R's and that they would fall under city ordinances. He received an email that he forwarded to city council members and would forward it to the commission if necessary.

Christy Beebe, 5857 W Muirwood Dr, wanted to back up what had already been said. She was pro chicken, for the child responsibility and care, the life cycle, fresh eggs and self sufficiency.

Amy Pullan, 14349 Round Rock Dr, echoed what her neighbors had shared. She thanked the commission for listening. She was there to support the Hacketts to allow them to have chickens. She has chickens and asked for support to make the ordinance change allowing them to keep their chickens. She also echoed the concern of being allowed to have fruit trees. Commissioner Adam Jacobson asked her to clarify the reference of not allowing fruit trees. She understood that some areas limit fruit trees. Another comment referenced Rosecreek as an area that limits fruit trees, however that was no longer in force.

David Watts, 14461 Windom Road, was in support of allowing chickens in residential areas. He knows of a family that is extremely allergic to animals, however, they would be able to have chickens as pets. They also

have problems eating processed foods. The family he reference never had complaints even though they were currently keeping chickens. Their chickens were part of their family. He reiterated that he supported changing the ordinance to allow for chickens in residential areas.

Chair Smith thanked those in attendance for taking the time to be involved in the process and make comments during the meeting. He suggested leaving the public hearing open for further comments.

Commissioner Adam Jacobson felt that the setbacks and minimum heights were not necessary. He was pro chicken but didn't feel like the ordinance needed as much detail. He was fine with the first 14 items but felt the coop standards were overreaching and the restriction of numbers of chickens was not necessary. He suggested that it could be by complaint.

Planner McCarty was open to changing the numbers. Commissioner Chris Berbert wasn't sure what the numbers should be but suggested adding a cap. It was stated that IFA requires someone to purchase four chickens at a time. Commissioner Jacobson suggested a minimum of five chickens and Commissioner Berbert suggested providing a cap or maximum of no more than ten.

Chair Smith, with the consensus of the commission, left the public hearing open.

Planner McCarty understood that the commission would like her to make changes with less restrictions and to allow more chickens.

Chair Smith was pro chicken and would like to make sure the ordinance provides an avenue for complaints to be heard and vetted. He thanked staff for doing such a fantastic job including options for consideration. He did agree that the ordinance could be less restrictive. He would like to allow residents the opportunity to have chickens with guidelines in place to follow, using good common sense and not impacting their neighbors. He suggested lowering the minimum to four and provide a maximum number as a cap for the smaller lot sizes. Commissioner Berbert asked about a requirement for heat lamps, he was concerned about the heat lamps being a fire hazard. Commissioner Shakespear reported that heat lamps/lights were needed for chickens to continue producing eggs through the winter.

Aaron Hackett noted that most chickens that are purchased locally are hardy and do not require heat, however, mail ordered chickens may. A light gives them the ability to lay eggs through the winter.

Commissioner Jessica Morton suggested adding something in the ordinance for those with CC&R's or HOA's to make them aware that they should contact their HOA and meet CC&R's. Chair Smith suggested that those HOA's may reconsider the CC&R's and make a change to match the proposed ordinance.

Commissioner Jessica Morton MOVED to continue the item without date.

Commissioner Robyn Shakespear SECONDED the motion.

The motion passed unanimously.

4. Chair and Commission Comments:

None

5. Future Meetings:

5.1 City Council – Wednesday, **August 24, 2016 @ 7:00 PM**

5.2 Planning Commission Meeting – Thursday, **September 1, 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 Chris Berbert SECONDED the motion. The motion passed unanimously. The meeting adjourned at [9:42:07 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 18, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder



Date of Meeting: 09/01/16	
File #	23S16
Applicant	HTC Communities, LLC
Address	13295 S Herriman Rose Blvd
Request	Proposed Subdivision of 5 lots which includes 3 Single Family Lots, LDS Chapel, and HOA Open Space.



Date of Meeting: 09/01/16	
File #	14C08-20
Applicant	HTC Communities, LLC
Address	13295 S Herriman Rose Blvd
Request	Final Master Plan Approval on a subdivision of 5 lots which includes 3 Single Family Lots, LDS Chapel, and HOA Open Space.

Request for 23S16/14C08-20 - Meeting Date 9/1/2016

HTC Communities is requesting subdivision and final master plan approval of 5 lots, including 3 single family lots, one church lot, and open space.

Site

The parcel is located at 13295 S Herriman Rose Blvd and contains 8 acres.

Zoning

The site is zoned MU-2.

This property is part of the Herriman Towne Center. The entire project received preliminary approval in 2008 and each pod comes in for final approval. The HTC is approved at a minimum density of 5.5 units per acre overall, which is 2,032 units.

Issues

The proposed subdivision is for 5 lots, which includes 3 single family lots, one church lot and a lot for open space/detention.

Part of the property is adjacent to the future UTA mass transit line. This property will be open space until a transit line is built in the future. UTA will likely install a sound wall with the construction of the transit line.

This plat includes the extension of Berry Creek Drive, which is currently constructed in the adjacent subdivision to the east in Riverton.

One of the proposed lots is for a future LDS Church. The church will need to receive conditional use approval when they are ready to move forward with the building.

Recommendation

Staff recommends subdivision and final master plan approval of 5 lots with the following requirements:

Subdivision Requirements

1. Meet with the Staff for review and final approval of the site plan.
2. Receive and agree to the recommendations from other agencies.
3. Install curb, gutter and sidewalk on all public streets.
4. Provide 100 year storm detention. This can be provided off-site as part of the Towne Center detention.

5. Berry Creek Drive shall be a 60 foot right of way.

Master Plan Requirements

1. Receive and agree to the recommendations from other agencies.
2. Install a 2 rail vinyl fence along the UTA corridor.
3. Building elevations to meet the approved HTC design guidelines and receive ARC approval.
4. The setbacks shall be as follows:
 - 19 feet to the garage
 - 12 feet to living space
 - 5 foot side yard
 - 5 foot rear yard
 - 12 foot corner yard

Legend
HTC Land Uses (as of 10/01/14)

- by type
- S.F. Lots (5 - 7 du/ac)
 - M.F. Townhome (10 - 16 du/ac)
 - Apartments (16 - 24 du/ac)
 - Mixed Use (8 - 10 du/ac)
 - Commercial
 - Chic
 - County
 - LDS Chapel
 - Open Space
 - Transit
 - Right of Way
 - Herriman Parcel



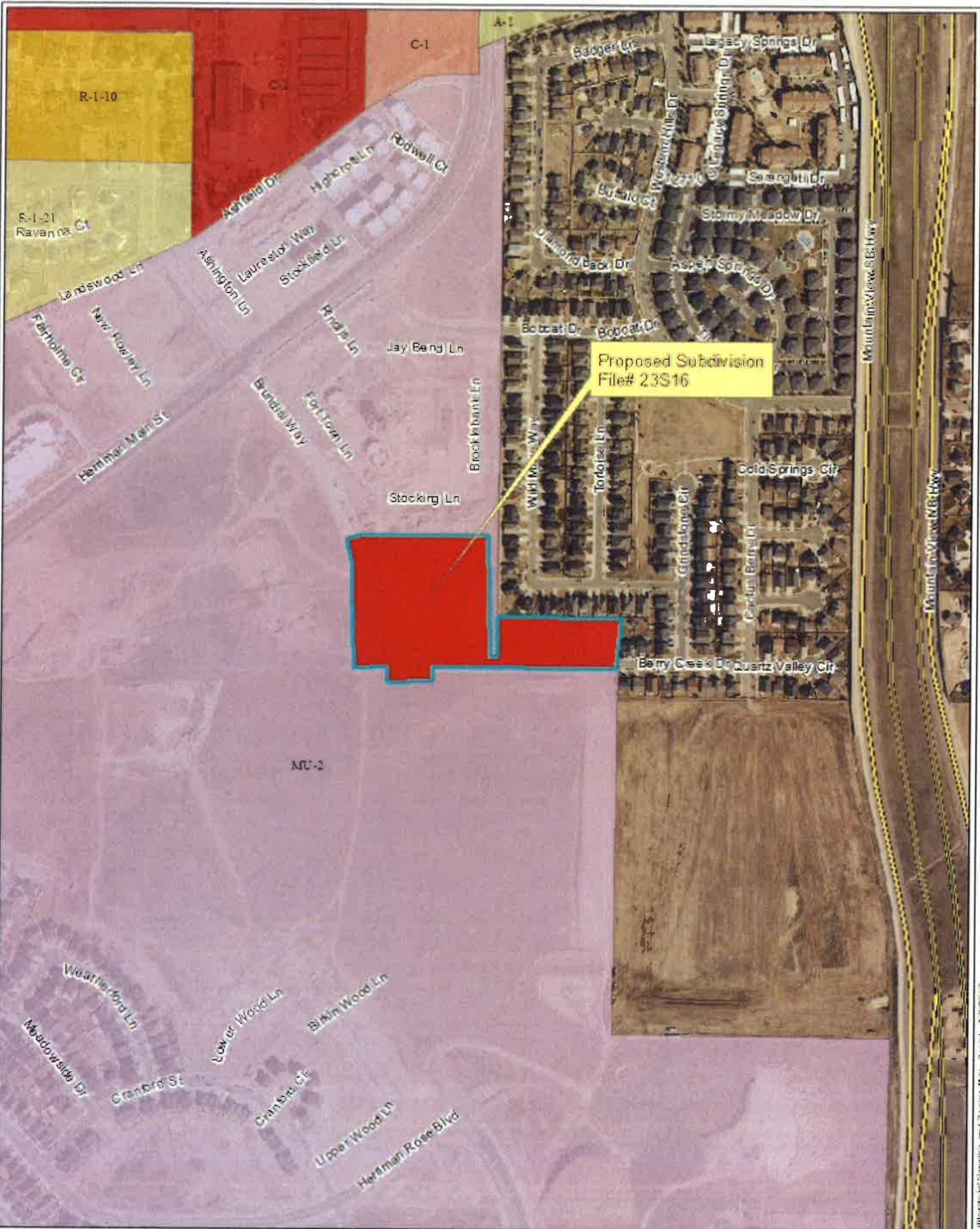
HERRIMAN TOWNE CENTER
Land Uses (10.01.14)



13400 South

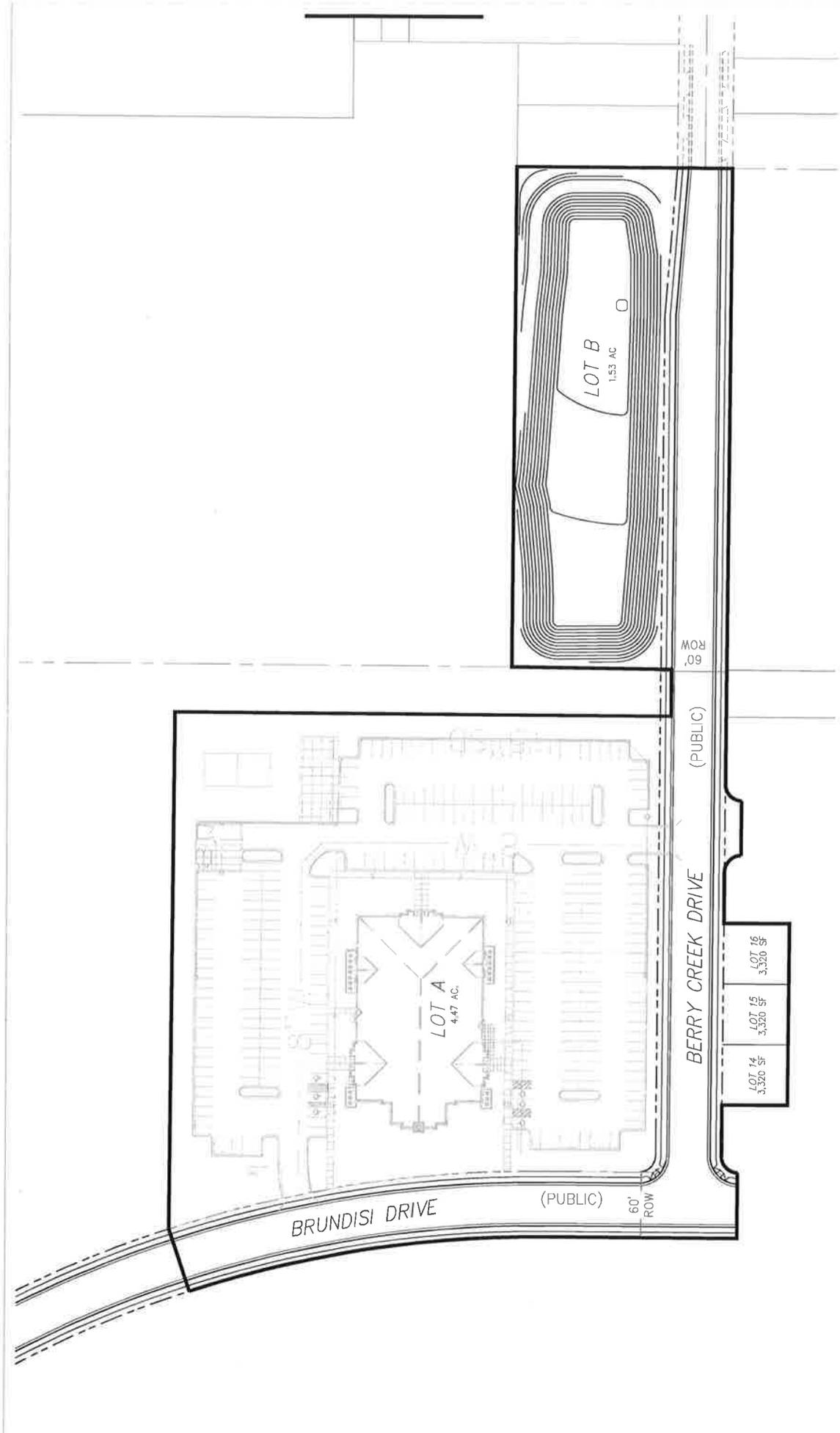
5600 West

12600 South



**Proposed Subdivision
File# 23S16**





Herriman Towne Center Fort Herriman Parkway Ph2a
 PLAT Exhibit - (08.10.16)





Land Use Application

Address or location of site 13295 S Herriman Rose Blvd (26-36-400-073)

Size of Parcel 8.00 ac.

What is Requested (explain in detail)?

It is being requested to receive subdivision approval on a five lot subdivision (3 single family lots, LDS chapel, and HOA open space).

If applicable, square footage of proposed building(s) or addition (all stories combined). _____

If the request is residential, how many and what type of units (apartment, condo, etc). 3 Single Family Lots

Property Owner's Name HTC Communities, LLC

Mailing Address 10421 S Jordan Gateway Blvd. #200

City South Jordan State UT Zip Code 84095

Telephone 801-316-3214 Cell Number _____ E-mail matH@mdcvg.com

Applicant/Agent HTC Communities, LLC

Mailing Address 10421 S Jordan Gateway Blvd. #200

City South Jordan State UT Zip Code 84095

Telephone 801-316-3214 Cell Number _____ E-mail matH@mdcvg.com

Subject to Purchase or Lease: _____ or Present Owner of Property: X

Yes I am the authorized agent or owner of the subject property: X

Current Use of Subject Property Vacant Land

Proposed Development Name HTC Fort Herriman Pkwy Ph2

For Herriman Use Only

Date of Submittal \$ 1150.00 Filing Fee _____ File Number 23.516

Receipt Number _____ Accepted by _____ DRC _____



Date of Meeting: 09/01/16	
File #	24S16
Applicant	HTC Communities, LLC
Address	13295 S Herriman Rose Blvd
Request	Proposed Subdivision of 78 Single Family Lots and 16 Townhome units (Pod 25)



Date of Meeting: 09/01/16	
File #	14C08-21
Applicant	HTC Communities, LLC
Address	13295 S Herriman Rose Blvd
Request	Final Master Plan Approval on a Subdivision of 78 Single Family Lots and 16 Townhome Units (Pod 25)

Request for 24S16/14C08-21 - Meeting Date 9/1/2016

HTC Communities is requesting subdivision and final master plan approval for 78 single family lots and 16 townhome units.

Site

The parcel is located at 13295 S Herriman Rose Blvd and contains 12.3 acres.

Zoning

The site is zoned MU-2.

This property is part of the Herriman Towne Center. The entire project received preliminary approval in 2008 and each pod comes in for final approval. The HTC is approved at a minimum density of 5.5 units per acre overall, which is 2,032 units.

Issues

The proposed subdivision is for 78 single family lots and 16 townhome units. The density of this phase is 7.6 units per acre. This phase is shown on the approved master plan as 5-7 units per acre. Staff would like to see updated numbers showing how many units have been approved overall in the Herriman Towne Center. Staff would also like to see an updated site plan of this entire area of the HTC with the surrounding units that have been approved.

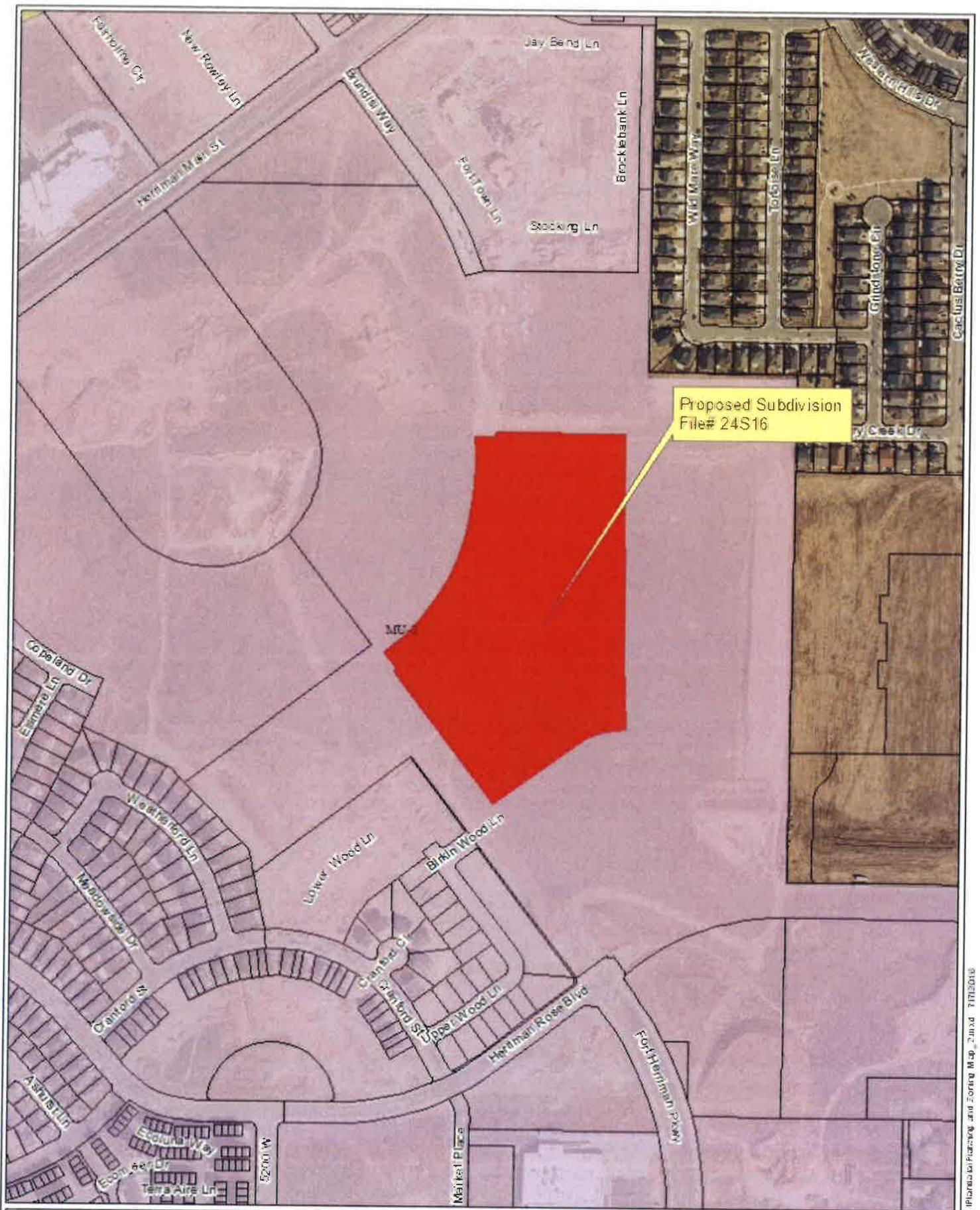
Part of the property is adjacent to the future UTA mass transit line. Staff is proposing a 2 rail vinyl fence to help delineate the future transit corridor. This property will be open space until a transit line is built in the future. UTA will likely install a sound wall with the construction of the transit line.

There is proposed to be 16 townhomes units in this phase. The applicant has not submitted building elevations for these units. All units in the Herriman Towne Center have to meet their approved design guidelines.

The ordinance requires 2 parking spaces per unit, however the MU-2 zone allows for a 5 percent reduction in parking due to the location of the transit station. The MU-2 zone also requires that projects not provide more than 120% of the required parking. The proposed single family homes each have a driveway. On street parking will be available on one side of the street. The applicant has not provided information about the garages or parking for the townhomes.

Recommendation

Staff recommends holding the public hearing and continuing the item for more information on parking and building elevations.



Proposed Subdivision
File# 24S16



Proposed Subdivision
File# 24S16





Land Use Application

Address or location of site 13295 S. Herriman Rose Blvd (26-36-400-073)

Size of Parcel 12.30 ac.

What is Requested (explain in detail)?

It is being requested to receive subdivision approval on a subdivision of 78 single-family lots and 16 town home units

If applicable, square footage of proposed building(s) or addition (all stories combined).

If the request is residential, how many and what type of units (apartment, condo, etc). 78 - single family lots
16 - town homes (units)

Property Owner's Name HTC Communities, LLC

Mailing Address 10421 S. Jordan Gateway Blvd. #200

City South Jordan State UT Zip Code 84095

Telephone 801-3163214 Cell Number _____ E-mail mat@mdenv.com

Applicant/Agent HTC Communities, LLC

Mailing Address 10421 S. Jordan Gateway Blvd #200

City South Jordan State UT Zip Code 84095

Telephone 801-316-3214 Cell Number _____ E-mail mat@mdenv.com

Subject to Purchase or Lease: _____ or Present Owner of Property:

Yes I am the authorized agent or owner of the subject property:

Current Use of Subject Property Vacant Land

Proposed Development Name Herriman Towne Center Pod 25

For Herriman Use Only

Date of Submittal 7/7/16 Filing Fee \$3,340.00 File Number 24516

Receipt Number _____ Accepted by _____ DRC _____



Date of Meeting: 09/01/16	
File #	45C16
Applicant	Rasmussen
Address	5216 W Windom Rd
Request	Proposed Home Occupation for a Preschool

Request for 45C16 – Meeting Date 9/1/2016

The applicant is requesting a home occupation of a preschool.

Site

The parcel is located at 5216 W Windom Rd.

Zoning

The site is zoned R-M. A home occupation is a conditional use in this zone.

Background

There are four types of home occupations: First, is the phone and mail type with only paper work being done in the home; Second, is the type with no customers coming but work is done in the home; Third is this type with customers coming to the home. Fourth is the type that allows the work to be done on the premises, outside the home and allows employees to work on the lot. This type is reviewed by the Planning Commission with the neighbors notified of the meeting.

Issues

This application was being handled by Staff and we received several neighbor complaints, therefore the Planning Commission will make the decision. The complaints were regarding traffic, parking, and additional noise from the children.

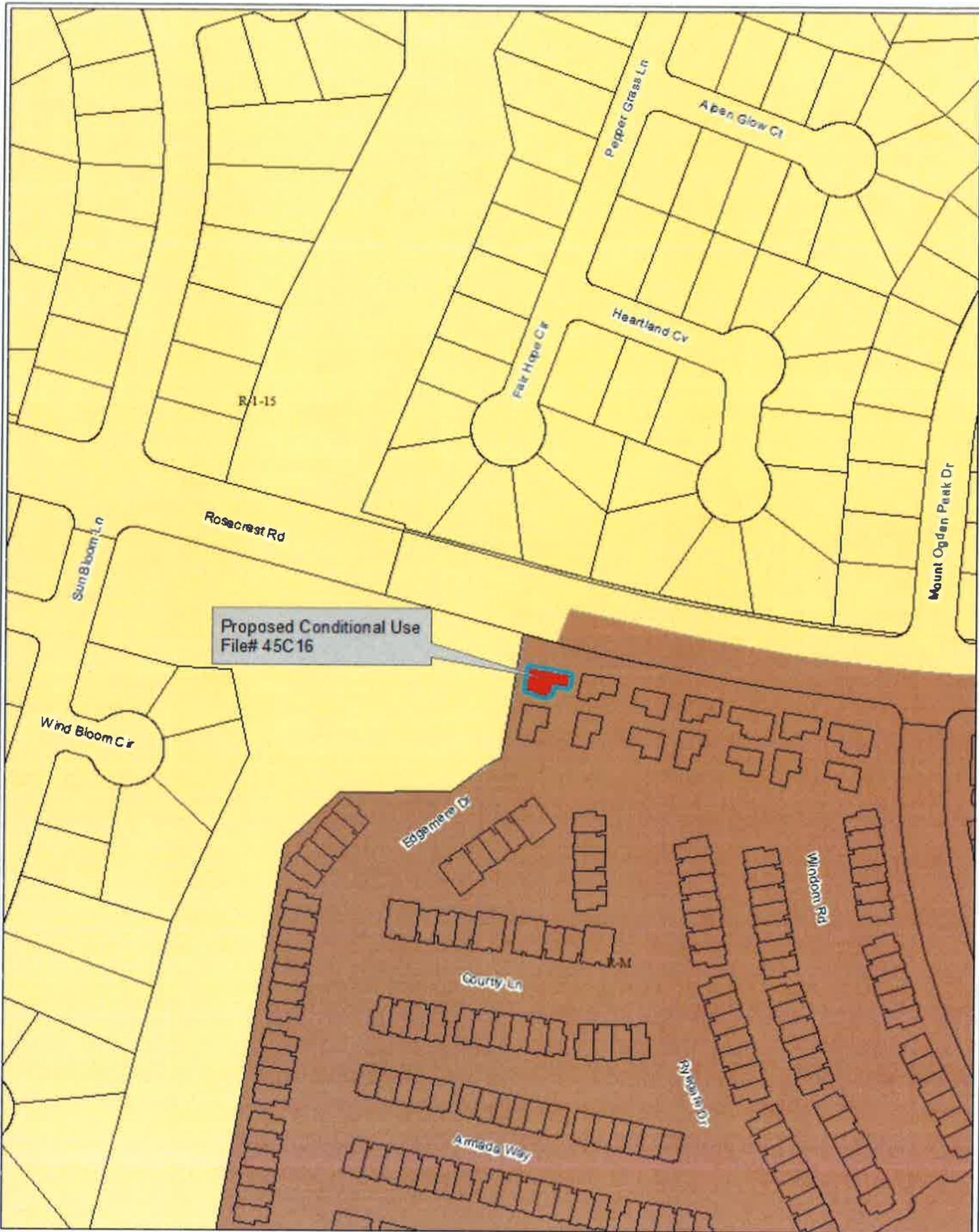
The applicant has received approval from their HOA. This is included in your packet.

Recommendation

The Staff recommends approval with the following requirements:

Requirements

1. Comply with recommendations from other agencies, i.e. Fire Department, Health Department.
2. Subject of a review upon complaint.
3. Signage is limited to 3 square feet attached to and parallel to the dwelling.
4. Obtain a business license.
5. No employees are approved with this application.
6. No on-street parking.
7. Hours of operation to be 9:30a.m.-12:00 p.m. Mondays thru Friday
8. Maximum of 12 children.
10. Fencing required if child care is provided outdoors.



Proposed Conditional Use
File# 45C16



Proposed Conditional Use File# 45C16





Home Occupation with Customers Application

Business Name: Tater Tots, LLC Applicant's Name: Jessica Reismussen

Address: 5216 W. Windom Rd. Herriman, UT 84096

Phone: 435-830-4075 Email: tater.tots.preschool@ut@gmail.com

Type of Home Occupation Proposed: Preschool

How many clients will be coming to the home as a result of this application at any one time? 12 students, 1-2 teachers

What provisions are available for off street parking? driveway fits 4-5 cars

What type of equipment, materials, machinery, tools, chemicals, and/or merchandise stock are involved in the home occupation? none

What part of your home will be used for this occupation? basement

For In Home Child Instruction please indicate the number of students per session, number of sessions, hours, days of week, etc: M/W/F 9:30-12:00 (12 students max) T/Th 9:30-12:00 (12 students max)

For In Home Day Care, please indicate the total number of children being cared for (the total must include any children of the applicant that are under the age of 4): 24

APPLICANT CERTIFICATION

I certify under penalty of perjury that I am the owner or authorized agent of the owner of property involved in the attached application. The statements and answers therein contained and the information provided in the attached plans or other exhibits present thoroughly, to the best of my ability, the argument in behalf of the application herewith requested and that the statements and information above referred to, are in all respects true and correct to the best of my knowledge and belief. I understand and agree to comply with all of the rules for Home Occupations. I also understand that if I do not comply with all of these rules and any other conditions of approval, my home occupation permit and/or business license may be revoked.

Applicant Signature [Handwritten Signature]

Date 7-18-16

If the applicant is not the property owner, the following must be signed to give authorization to conduct the listed business.

Owner Signature

Date

For Herriman Use Only

Filing Fee \$75.00

Zone R-m

Filing Number 45C16

Receipt Number 371337

Date Submitted 7-19-16

Accepted By AW

Rosecrest Village HOA
P.O. Box 5555
Draper, UT 84020

Rosecrest Village HOA

P.O. Box 5555
Draper, Utah 84020
(801) 256-0465
manager@hoaliving.com

August 3, 2016

Andrew & Jessica Rasmussen
5216 W. Windom Road
Herriman, UT 84096

Re: Request for Home Occupation-Preschool

Dear Andrew & Jessica,

Thank you for submitting your request for a Home Occupation- Preschool for the Board to review.

The Board of Trustees reviewed your request and granted approval with the following conditions:

- Limit of 12 children per class session
- Hours of operation are limited to 9AM to 3:30pm
- Pick up and Drop off will be limited to Ryegate Drive
- No use of HOA Common Area
- Provide a copy of all Licensing and Insurance information to the HOA

This Agreement will be reviewed on an Annual Basis to make sure you are abiding by the conditions set forth.

We appreciate your efforts in keeping with the rules of our community. If you have any questions, we can be reached at (801) 256-0465 or manager@hoaliving.com.

Regards,

Rosecrest Village Homeowners Association

Sandra Llewellyn

From: Cameron Murri <cameron@vacuumvolume.com>
Sent: Monday, August 8, 2016 1:16 PM
To: Plan
Subject: Complaint Regarding File #45C16

Hi Sandra,

We just received your notice in the mail regarding the application for home business filed by Jessica Rasmussen for an on property preschool located at 5216 W Windom Rd. This property is located directly next door to our house which is 5206 W Windom Rd, and we feel that a preschool located right next to our property would be extremely disruptive.

Our houses are very close together, and our HOA does not allow us to put up fences so our yards meet. The Rasmussen's already have several children of their own who are quite loud and trespass on our property on a regular basis. We can hear them right outside our house all the time. They are constantly running around our property.

So since their own children are already so disruptive to us, we are worried about what it will be like with as many as 12 other children their during the day. My wife and I work from home, and we would rather not have to be more disturbed by our neighbors during the work day than we already are. In addition to the kids being loud and possibly not being kept in the basement (as it says on the application), the constant coming and going of cars of parents dropping off and picking up their children will be a nuisance as well. Their driveway comes almost to our front room window. Also, their driveway is a shared driveway with the neighbors in front of them. They state in their application that their driveway fits 4 - 5 cars. However, this is a stretch of the truth as they share the driveway with the other neighbors, so if that many cars park there they will be blocking access to others who share it.

I would very much appreciate it if you would take our complaints about this business into account before you make your final decision. Please feel free to contact me should you have any questions or would like to discuss our issues further.

Thank you,
Cameron

Cameron Murri
5206 West Windom Road
Herriman, UT 84096
Cell: 775.453.8823
cameron@vacuumvolume.com

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Sandra Llewellyn

From: Brandie Christensen <brandiechristensen@utah.gov>
Sent: Wednesday, August 10, 2016 1:21 PM
To: Plan
Subject: file#45c16

As A resident my concerns for a preschool with a shared driveway. Is the safety of cars coming and going, My childrens safety& others. Not enough parking and blocking my driveway .It will impact the safety and lifestyle of the neighborhood. There's not enough parking for having special events or preschool graduation. They have no yard for playing. Can the city consider curb side drop off of Rose crest considering the preschool is downstairs and she has a entrance way right there? Has the fire dept been informed? No Handicap access? there is alot of concerns in a HOA this isnt a traditional neighbor hood?

Thanks you,
Brandie Christensen 801-879-4158

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For more information please visit <http://www.symanteccloud.com>



Date of Meeting: 09/01/16	
File #	44C16
Applicant	Croney
Address	14638 S Highfield Dr
Request	Proposed Detached Garage

Request for 44C16 – Meeting Date 09/01/16

The applicant is requesting approval to construct a 1200 square foot detached garage.

Site

The parcel is located at 14638 Highfield Drive and is 0.29 acres.

Zoning

The site is zoned R-2-15.

Ordinance

10-9B-4: CONDITIONAL USES:

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half (1/2) acre. No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard. The footprint shall be less than the footprint of the main building

Accessory buildings shall be a maximum of sixteen feet (16'), and less than the top elevation of the main building. All accessory buildings shall not exceed one story.

No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

Discussion:

Accessory buildings greater than 800 square feet require conditional use approval. Staff mailed letters to the neighbors and received several complaints regarding the proposed garage, therefore the Planning Commission will make the decision.

The subject property is part of an HOA. The applicant has received HOA approval for the proposed structure.

Recommendation

The Staff recommends approval with the following requirements:

Requirements

1. Meet with Staff for review and final approval of the site plan.

2. Receive and agree to the recommendations from other agencies.
3. Receive HOA approval.
4. Maximum of 1200 square feet.
5. No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.
6. Maximum height of twenty feet (16') in height.
7. The front elevation of the garage must match the front of the home, with similar materials and colors.



Land Use Application

Address or location of site 14638 Highfield dr Herriman UT 84096

Size of Parcel .29

What is Requested (explain in detail)?

Requesting to build a 30 x 40 (1200 sqft) Garage
that is detached.

If applicable, square footage of proposed building(s) or addition (all stories combined). 1200

If the request is residential, how many and what type of units (apartment, condo, etc). _____

Property Owner's Name Abram & Jessica Crony

Mailing Address 14638 Highfield dr

City Herriman State UT Zip Code 84096

Telephone 8017076136 Cell Number " E-mail Evergreen.SLC@gmail.com

Applicant/Agent Abe Crony

Mailing Address Same as above

City _____ State _____ Zip Code _____

Telephone _____ Cell Number _____ E-mail _____

Subject to Purchase or Lease: _____ or Present Owner of Property: X

Yes I am the authorized agent or owner of the subject property: X

Current Use of Subject Property Single family

Proposed Development Name Crony Garage

For Herriman Use Only

Date of Submittal 8-1-16 Filing Fee \$250 File Number 44C16

Receipt Number 373336 Accepted by CE DRC _____



Proposed Conditional Use
File# 44C16



Proposed Conditional Use
File# 44C16



5 FT 5 FT

N 1° 53' 14" W
87.36'

30
x
40
1200 SQ FT

Pergola

15 FT

LOT V3 25
0.29 acres

S 81° 33' 06" E
75.32'

ROLLINSFORD LANE

N 81° 33' 06" W
130.80'

11.00'

11.00'

35.74'

34.00'

12.50'

30.50'

S 8° 26' 54" W
76.02'

24.02'

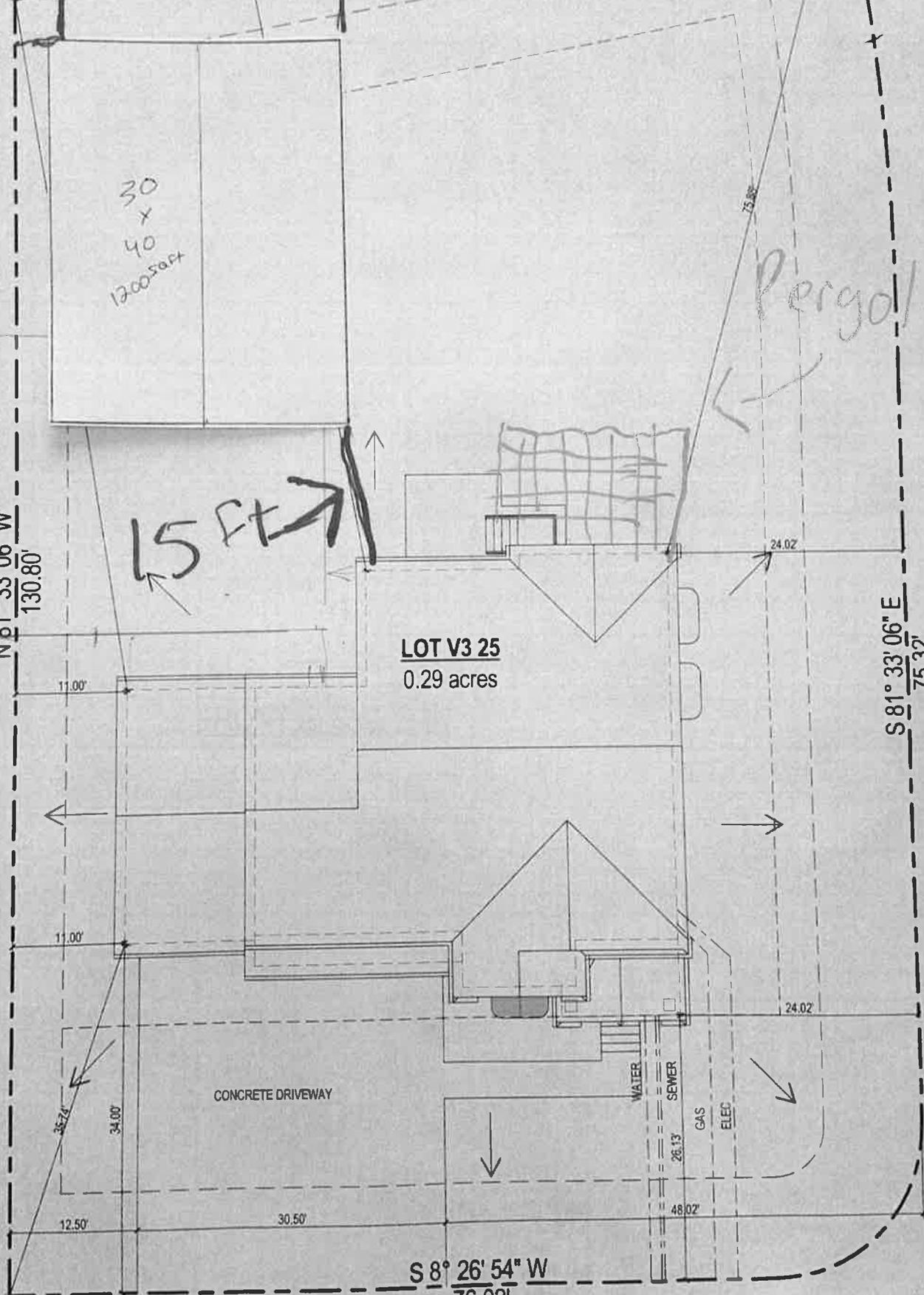
24.02'

WATER
SEWER
GAS
ELEC

26.13'

48.02'

ILY. VERIFY
CITY
DARY
TY
KS WITH
ESIDENCE



Sandra Llewellyn

From: Abe Croney <abecrone@gmail.com>
Sent: Tuesday, August 9, 2016 2:44 PM
To: Sandra Llewellyn
Subject: Fwd: FW: RCCM-44480-ARC plans
Attachments: ATT00001.htm; NoReply@sdihq.com_20150710_173831.pdf

----- Forwarded message -----

From: "Bret Lacey" <bretl@hoaliving.com>
Date: Jul 13, 2015 9:43 AM
Subject: FW: RCCM-44480-ARC plans
To: "abecrone@gmail.com" <abecrone@gmail.com>
Cc:

Abe:

The garage plans are approved if it is built according to requirements detailed below.

Thanks.

Bret Lacey /Portfolio Manager/FCS Community Management, AAMC

Utah's only Accredited Association Management Company

[801-256-0465](tel:801-256-0465) Draper/ [801-373-0465](tel:801-373-0465) Provo/ [801-395-0465](tel:801-395-0465) Ogden/ [435-940-1776](tel:435-940-1776) Park City/[435-627-1776](tel:435-627-1776) Saint George/Cell [801-916-6188](tel:801-916-6188)

From: Bret Lacey
Sent: Monday, July 13, 2015 9:27 AM
To: 'abecrone@gmail.com'
Subject: FW: RCCM-44480-ARC plans

Abe:

Here is the response from the developer's board of directors regarding the garage:

Bret Lacey /Portfolio Manager/FCS Community Management, AAMC

Utah's only Accredited Association Management Company

801-256-0465 Draper/ 801-373-0465 Provo/ 801-395-0465 Ogden/ 435-940-1776 Park City/435-627-1776 Saint George/Cell 801-916-6188

Bret,

Here is the review for the detached garage in Plat V Ph3, lot 25.

There is an easement for drainage and utilities along the side lot line, so the min. setback is 7'.

The building needs to be similar construction, materials, and colors as the primary residence. I included a sheet showing the front elevation of this home.

They should be aware that because of the size of the garage, I believe they will have to work with Herriman City planning staff to take it to Planning Commission for conditional use approval.

Below is the City ordinance:

10-9B-8: BUILDING HEIGHT:

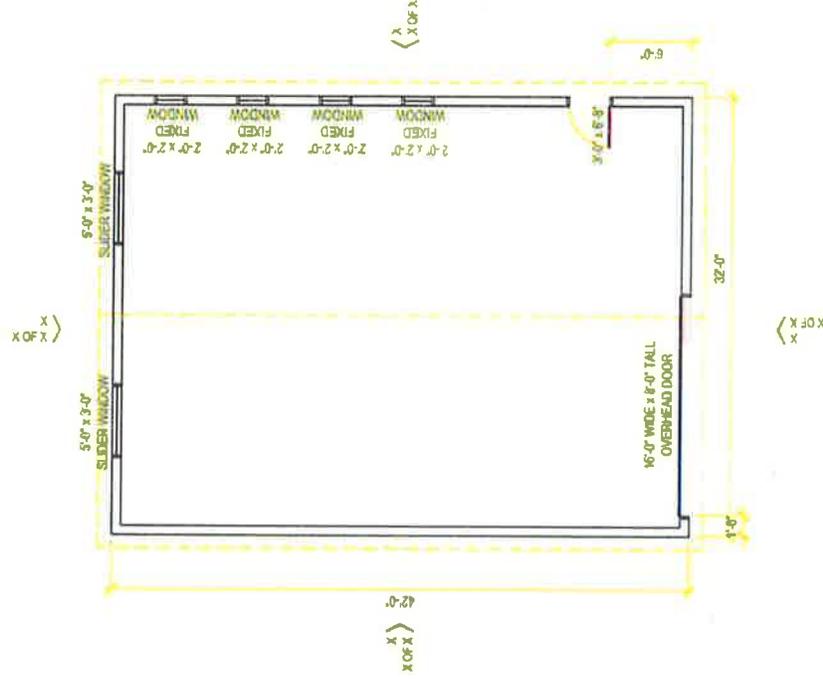
Except as otherwise specifically provided in this title, no building or structure shall exceed the following height:

10-9B-9: ACCESSORY STRUCTURES:

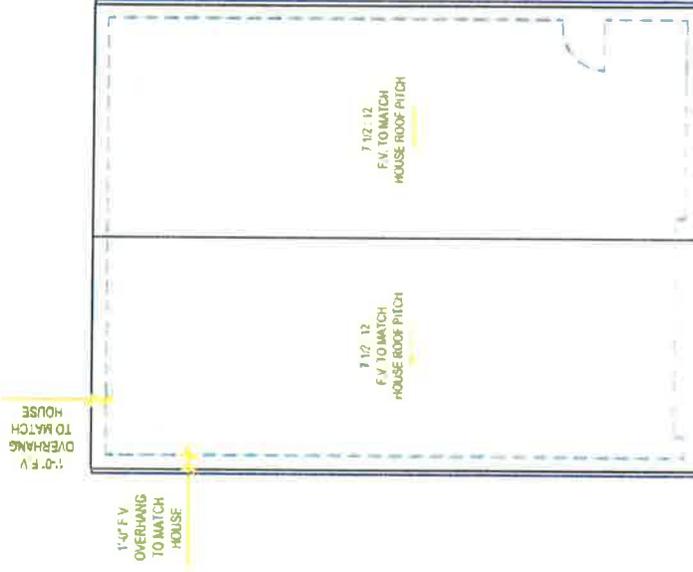
A. Style, Color: Detached garages or sheds must be similar in style and color to the primary residence.

B. Footprint: No accessory building or group of accessory buildings shall cover more than twenty percent (20%) of the rear yard. The footprint shall be less than the footprint of the main building by a minimum of twenty percent (20%). (Ord. 09-01, 1-8-2009)

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GARAGE FLOOR PLAN | A



GARAGE ROOF PLAN | B

CASEY O'BRIEN MCDONOUGH DESIGNED

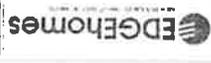
777 East South Temple #140 Salt Lake City, Utah 84102
801.971.9033 comdesigned@gmail.com

NEW CRONEY RESIDENCE DETACHED GARAGE
14438 HIGHFIELD DRIVE - HERRIMAN, UTAH - 84096

1/8"=1'-0" SCALE

SITE PLAN

3 OF X
JUNE . 15 . 2015



NATASHA FRONT & LEFT ELEVATIONS

A3.1

ELEVATION KEY NOTES

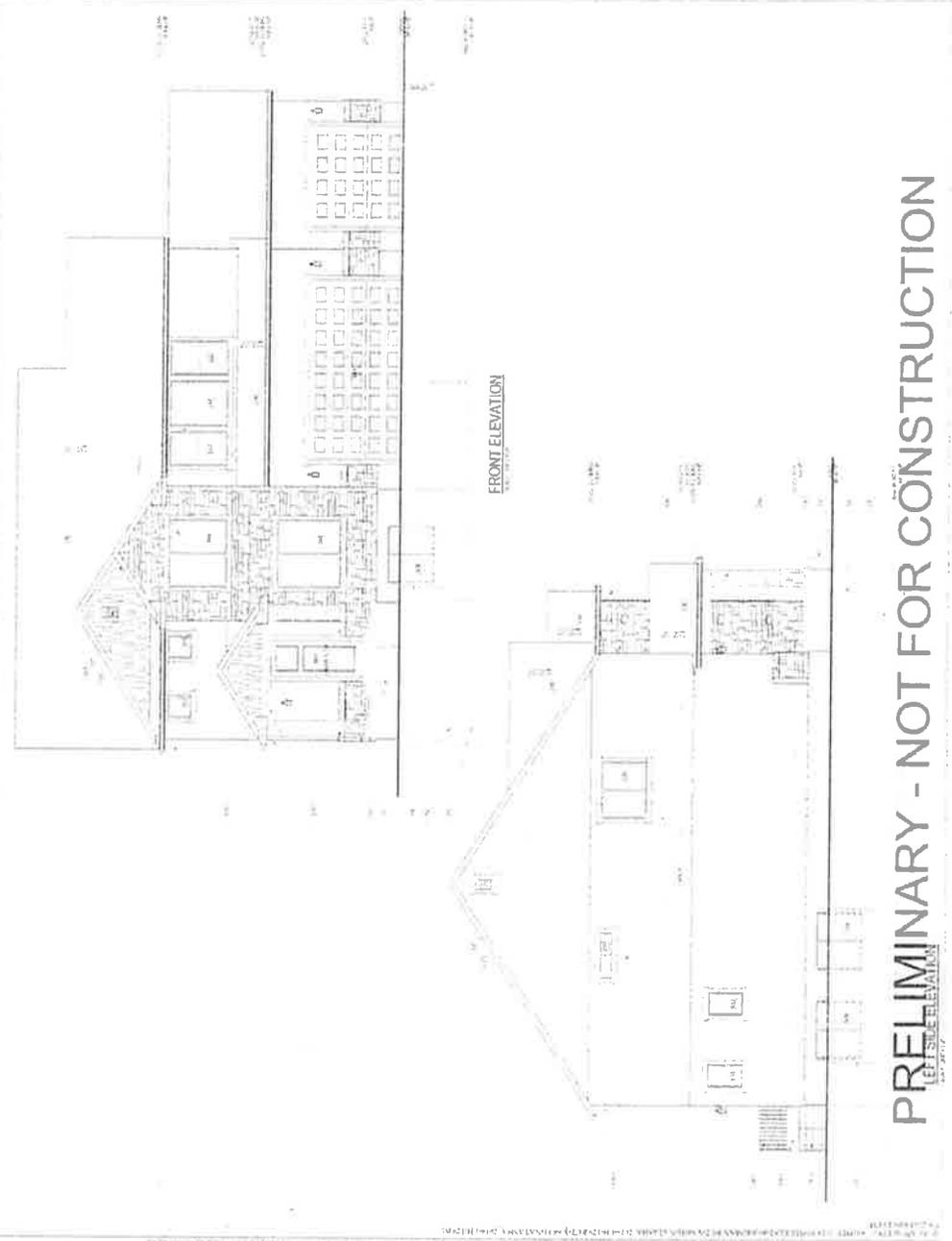
- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. FINISHES ARE TO BE AS SHOWN ON THE MATERIAL LEGEND.
- 3. ALL MATERIALS ARE TO BE SUPPLIED BY THE CONTRACTOR.
- 4. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- 5. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 6. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 7. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 8. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 9. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 10. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.

GENERAL NOTES

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. FINISHES ARE TO BE AS SHOWN ON THE MATERIAL LEGEND.
- 3. ALL MATERIALS ARE TO BE SUPPLIED BY THE CONTRACTOR.
- 4. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
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- 9. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
- 10. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.

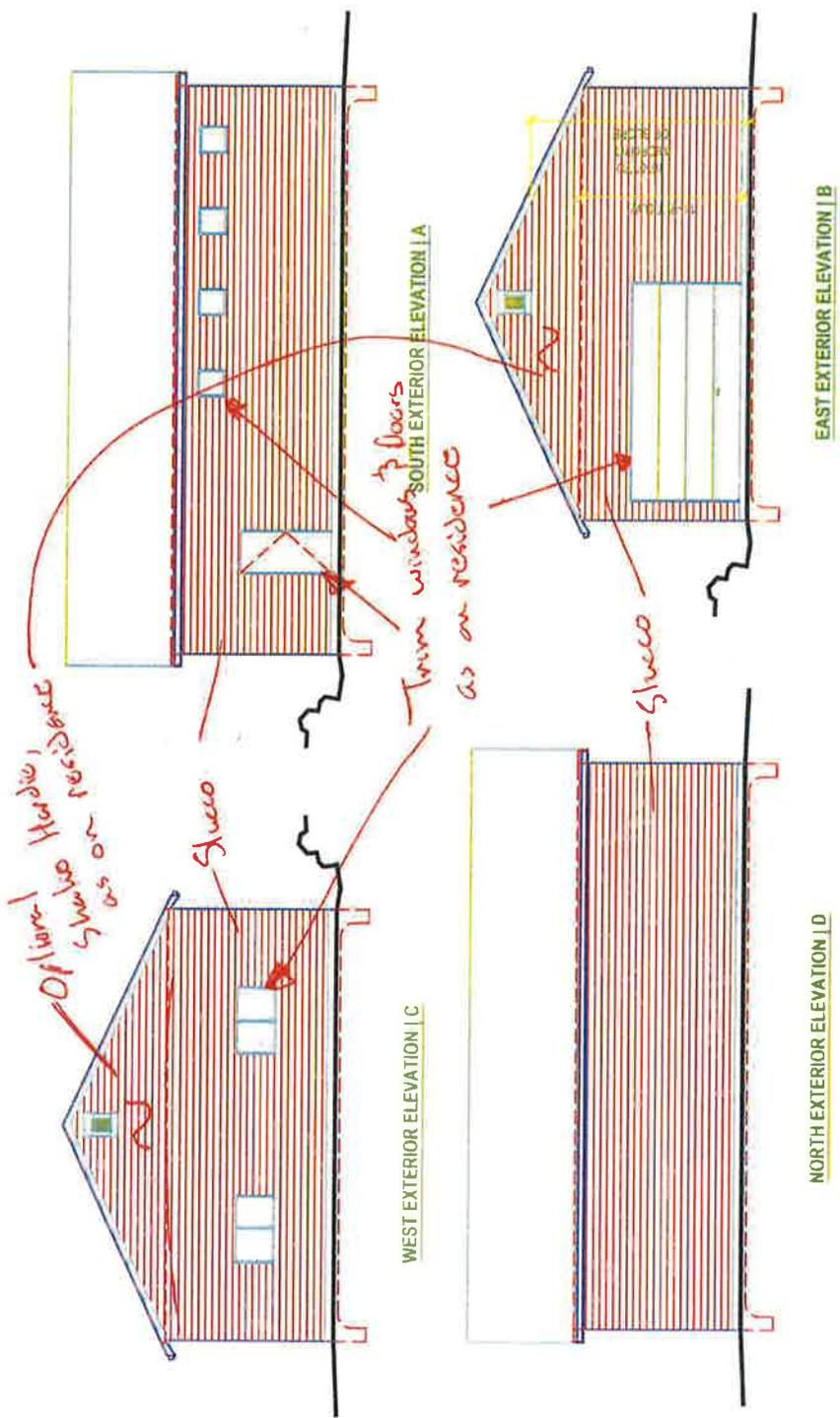
MATERIALS LEGEND

NO.	DESCRIPTION
1	BRICKWORK
2	CONCRETE
3	PLASTER
4	PAINT
5	GLASS
6	WOOD
7	ROOFING
8	LANDSCAPING
9	MECHANICAL
10	ELECTRICAL



PRELIMINARY - NOT FOR CONSTRUCTION

DG's S.3 "Detached garages must be similar in style and color to the primary residence." "... similar construction, materials, and color as primary residence."



CASEY O'BRIEN McDONOUGH DESIGNED
 777 East South Temple #140 Salt Lake City, Utah 84102
 801.971.9053 c.mcdonough@gmail.com

NEW CRONEY RESIDENCE DETACHED GARAGE
 14638 HIGHFIELD DRIVE, HERRIMAN, UTAH, 84096

1/8"=1'-0" SCALE

SITE PLAN

4 OF X
 JUNE 15, 2015

Sandra Llewellyn

From: Michelle Seghini <michelle.seghini@gmail.com>
Sent: Saturday, August 6, 2016 11:30 AM
To: Plan
Cc: Steve Seghini
Subject: File 44C16

Dear Herriman planning commission,

I strongly object to the building of this structure which will impede the ONLY view to the north that we have. We moved into this neighborhood because of the CCR's and expect them to be adhered to. We were the last home built in V3 and had to modify our home plans to meet the requirements that proposal is currently requesting to break. These modifications cost us in excess of \$17,000. Additionally there is no documentation on height for this structure so I can assume it is taller than the fence line. The neighbor to the north of Abe Croney also built a structure that I understand is not accordance with the V3 CCR's and this structure also impedes our view we originally had. This resident happens to be the father of Abe Croney.

If we had wanted to live in a neighborhood with structures within 5 feet of our property line we would not have purchased in this expensive development.

As a resident in this community we purchased a \$530,000 home with the expectation that the city would regulate the integrity of the neighborhood. A very wonderful neighbor just sold their home because he wanted to build a detached garage and could not because it is not allowed in V3.

Additionally Abe Croney is NOT a licensed contractor as he advertises himself to be on social media. He has a handyman license that allows him to not do jobs in excess of \$3000 including materials. I would imagine the materials for this structure exceed \$3000. After Abe Croney false represented himself to us and other neighbors, I have had to hire a licensed contractor to evaluate work done by Abe in our basement and have been told Herriman city will need to come do several inspections and re work will be required. There is no green board in the restroom, the electric and drywall is not up to code. He did not put in insulation that was requested and paid for so basically we have to start from scratch.

Abe is in possession of our hot tub which he had his friends rip from our home including the power that I paid \$200 to have a licensed electrician install. I have bare wires exposed because of Abe's illegal and careless activity.

This has been reported to DOPL and we are retaining an attorney to deal with the financial loss Abe Croney has caused us. He is in possession of \$9500 cash deposit and has our hot tub on his property and refuses to return it.

Please let me know if you are still going to consider allowing this petition to move forward so that we can appear in direct protest.

Blessings,
Michelle Seghini
801-541-1017

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Sandra Llewellyn

From: STEVE <sseghini@msn.com>
Sent: Monday, August 8, 2016 8:32 AM
To: Plan
Subject: File 44C16

To Whom It May Concern;

I am writing this email in response to the conditional use request of file #44C16. I am opposed to the approval of this request as it violates the CC&Rs of the V3 Homeowners Assoc. Detached structures such as the one requested in this petition are expressly prohibited. This structure will impede the view of several neighbors. We were forced to spend thousands of dollars in order for our house to comply with the CC&Rs when we built it and I would hope that Herriman City will help protect the integrity of those CC&Rs by refusing this conditional use permit. The person requesting the conditional use in this instance, is fully aware that the proposed structure violates the CC&Rs and is making this request of the city as a means to bend/break those rules. I respectfully ask that Herriman City deny this conditional use request.

Thank You,

Steve Seghini
sseghini@msn.com
801-635-6775

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For more information please visit <http://www.symanteccloud.com>



Date of Meeting: 09/01/16	
File #	15Z16
Applicant	Herriman City
Address	
Request	Text Change to the Land Use Ordinance to allow chickens on lots in residential zones

Request for 15Z16 - Meeting Date 9/1/2016

Herriman City is asking for a text change to the Land Use Ordinance to add chickens as a permitted use in residential zones.

Background

Staff proposed a chicken ordinance in 2011. The ordinance was recommended for approval by the Planning Commission, but was denied by the City Council.

Discussion

The City Council recently directed the staff to create an ordinance to allow chickens in residential areas. The proposed zone is similar to the zone that was first written in 2011. The ordinance outlines the requirements for coops and where they can be located on the property. It also has a table that allows a certain number of chickens based on lot size.

At the previous meeting, the Planning Commission made recommendations on some changes to the text. Staff has made several revisions to the draft based on feedback from the PC and residents. The public hearing was left open at the last meeting in order to allow comments on the revised draft.

Recommendation

Staff recommends approval of the text chickens to allow chickens as a permitted use.

“Backyard Chickens” to be added as a permitted use on single family lots in the R-1-10, R-1-15, R-2-10, R-2-15, and FR-1 zones.

10-19-35: BACKYARD CHICKENS:

Where permitted by the zoning ordinance, persons may keep backyard chickens on single-family residential lots in accordance with the provisions of this section:

1. Maximum Number Of Chickens Allowed for a Backyard Chicken Permit:

Lot Size (Square Feet)	Maximum Number Of Chickens
Less than 5,000	0
5,000 to 5,999	4
6,000 to 6,999	4
7,000 to 7,999	4
8,000 to 8,999	6
9,000 to 9,999	6
10,000 to 11,999	10
12,000 or more	10

2. At Large: It is unlawful for any person who is the owner, keeper, or temporary custodian of any chicken to allow the animal(s) to be at large, off the premises or outside the approved enclosure.

3. Unsanitary Conditions: It is unlawful for any person to keep and maintain in an unclean or unsanitary condition any coop, enclosure or other structure or area in which any chicken is kept.

4. Nuisance: It is unlawful for the owner or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbor, including, but not limited to, creating noxious odors from the animals, their waste, coop, or related structure or generating noise of a loud and persistent nature.

5. Subject To Inspection: All places where any backyard chickens are kept shall be subject to inspection for cleanliness, health, and sanitation purposes by a code enforcement official, animal control officer, or representative of the Salt Lake Valley health department, based on any complaint or observation that the requirements of this section are in violation.

6. Female Chickens Only: Only female chickens may be kept. No ducks, geese, turkeys, peafowl, crowing hens, or roosters may be kept. No other bird species shall be kept except as provided by this code and birds normally and generally considered household or indoor pets.

7. Accessory Buildings: Chicken coops shall be considered accessory buildings and are subject to the accessory building requirements of the zone in which the property is located.

8. Personal Use Only: Chickens shall be for personal use only. The selling of eggs or fertilizer or the breeding of chickens for commercial use is prohibited.

9. Slaughtering: The slaughtering of chickens on the premises is allowed in areas not visible to the public and must be accomplished in a humane and sanitary fashion. All entrails and by-products of the slaughtering process shall be discarded in accordance with Health Department Regulations.

10. Enclosure Standards:

a. Chickens must be contained within an enclosure or fenced area at all times.

b. Chicken enclosures shall be contained entirely in the rear yard. No enclosures will be permitted in any front or side yard.

c. Chicken coops shall be maintained in good condition.

d. All chicken coops shall be placed at least forty feet (40') from any dwelling on an adjacent lot.



Date of Meeting: 09/01/16	
File #	14Z16
Applicant	Herriman City
Address	
Request	Text Change to the Land Use Ordinance to create a Technology and Manufacturing Zone

Request for 14Z16 - Meeting Date 9/1/2016

Herriman City is requesting to create a new Technology and Manufacturing Zone (TM).

Discussion

The City has been interested in locating different types of businesses and uses in the City. During the last amendment to the General Plan, the Council approved the addition of a “Light Industrial Park/Business Park” designation. Currently, there are several hundred acres along Redwood Road with this designation.

Since our zoning ordinance requires all rezones be compliant with the General Plan, it is necessary to create a zone that best fits within this new “Light Industrial Park/Business Park” designation. None of our current Commercial or Industrial Zones align with the intent of the Light Industrial Park designation. The proposed Technology and Manufacturing will allow large business parks to be developed under specific criteria. It will require a master plan for the entire site. It also has landscaping and fencing requirements that will have to be met.

The ordinance proposes that all of the uses in the zone be conditional uses. The Planning Commission may be concerned about some of the uses, depending on the location of the property in the City. Since there is currently no property in the City with this zone, anyone who wishes to use the zone would have to go through the rezone process. When the Planning Commission and City Council review the rezone, they could put a zoning condition (z/c) on the property. That would allow the City to limit the uses on a specific piece of property.

At the previous meeting, the Planning Commission gave staff direction on some of the proposed uses. The list of uses has been modified based on feedback from the PC.

Recommendation

Staff recommends approval of the text change to create a Technology and Manufacturing Zone.

Chapter XX T-M Technology and Manufacturing Zone

- 10-XX-1: PURPOSE OF PROVISIONS:
- 10-XX-2: DESIGN AND SITE PLAN REVIEW:
- 10-XX-3: CONDITIONAL USES:
- 10-XX-5: OWNERSHIP:
- 10-XX-6: ZONING CONDITION
- 10-XX-7: MASTER PLAN:
- 10-XX-8: SETBACKS:
- 10-XX-9: BUILDING HEIGHT:
- 10-XX-10: COVERAGE RESTRICTIONS:
- 10-XX-11: PARKING:
- 10-XX-12: LANDSCAPING:
- 10-XX-13: FENCING:
- 10-XX-14: DESIGN CRITERIA:
- 10-XX-15: DEVELOPMENT AGREEMENT:

10-XX-1: PURPOSE OF PROVISIONS:

The purpose of the T-M zone is to provide for and encourage the development of well-planned and designed technological and manufacturing parks. These areas are characterized by uses such as research, development, office, data centers, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These areas are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses.

10-XX-2: DESIGN AND SITE PLAN REVIEW:

All development under this article shall require submission of a master plan for review by the planning commission. The review shall include, but not be limited to, architectural design and theme, building materials, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and manmade hazards. The review process shall comply with the regulations of chapter 24, "Conditional Uses", of this title.

10-XX-3: CONDITIONAL USES:

Uses which are conditional within the T-M zone are as follows:

- Agricultural (Horticulture)
- Archery Shop and range, provided the use is conducted within a completely enclosed building
- Building Maintenance Services
- Cemetery, mortuary
- Commercial Recreational Facility
- Commercial Storage or Distribution (excluding junkyards and salvage yards)
- Conference Center, Convention Center, Reception Center

Convenience Store
Data Center
Financial Institutions and Services
Greenhouse and nursery; plant materials; soil and lawn service
Health/Fitness Club
Hotels and Motels
Laboratory – Medical, Dental, Optical
Light Manufacturing and Assembly which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste, and which: a. Do not process animal, vegetable, fish, or any food related products or the rendering and refining of fats and oils; b. Encloses all equipment, compressors, generators, and other ancillary equipment within a building or structure.
Medical and Dental Clinics
Medical Research Facility
Monopole, on a public or quasi-publicly owned utility site, and not in public parks unless an exception is granted by the planning commission
Offices, Professional
Outdoor Storage of Materials, Products and Equipment incidental to an allowed use (excluding junk yards and salvage yards)
Printing and Publishing Facilities
Public and Quasi-Public uses
Research and Development Facilities
Restaurant
Schools – Vocational and Technical
State store
Temporary Construction Buildings & Yards (12 months maximum)
Temporary Sales Office (12 months maximum)
Warehousing and Wholesale Distribution with no outside storage

10-XX-5: OWNERSHIP:

All master planned development shall be under unified control at the time of application and shall be planned and scheduled to be developed as a whole. The area shall be in one ownership or control during design and construction to provide for full supervision and control of the development, and to ensure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.

10-XX-6: ZONING CONDITION:

A zoning condition, per section 10-6-4 of this code, may be placed on property at the time of zoning in order to restrict or prohibit uses or building heights that would not be compatible with the residential adjacent to the area.

10-XX-7: MASTER PLAN:

A master plan shall be reviewed and approved by the planning commission prior to any development in the technology and manufacturing zone. The master plan shall include a minimum of fifty (50) acres. The plan will establish where types of uses will be located and the compatibility of adjacent uses in the development. It should be the goal of the master plan to create natural buffering through the location of compatible uses. The master plan should include the following:

- A. Building orientation, size and type;
- B. A land use plan that determines where technology, manufacturing, office, and commercial uses will be located;
- C. Identification of buffering, screening or distance used to mitigate possible noncompatible uses;
- D. Parking areas and vehicle access to the site;
- E. Engineering issues, to include grading, drainage, sewer and other utilities;
- F. Compatibility with uses on adjacent properties.

10-XX-8: SETBACKS:

All setbacks will be determined as part of the master plan, but in no case shall the setbacks be less than thirty (30) feet from any property line.

10-XX-9: BUILDING HEIGHT:

No building or structure shall exceed forty five feet (45') in height, unless approved by the planning commission, but in no case over seventy five feet (75').

10-XX-10: COVERAGE RESTRICTIONS:

No building or structure, or group of buildings, with their accessory buildings, shall cover more than seventy percent (70%) of the area of the lot.

10-XX-11: PARKING:

The parking requirements established in chapter 21 of this title shall apply to all technology and manufacturing zone development.

10-XX-12: LANDSCAPING:

A. All new development shall require a minimum of twenty percent (20%) of the total site landscaped and must meet the landscaping requirements found in this chapter. All landscaped

areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

1. Up to a ten percent (10%) reduction in the required landscaping may be granted by the Planning Commission as part of the master plan if the developer provides additional amenities on site, including, but not limited to: water features, sports courts, gazebos, connection to a master planned trail, and additional landscaping plantings.

B. The front yard area and the side yard area which faces on a street shall be landscaped and maintained with live plant material, including shrubs, flowers and trees for a minimum distance of twenty feet (20') behind the property line for all main uses in the T-M zone. Such areas shall include a permanent sprinkler system to ensure adequate maintenance, and shall comply with section 10-19-18 of this chapter. The planning commission may modify the landscaping requirements herein for any conditional use. The required landscaping must include:

1. Fifty percent (50%) of the landscaped area planted with shrubs, flowers and trees; and
2. The landscaped setback must include a berm that is a minimum of two feet (2') high as measured from the grade of the sidewalk.

C. Parking Lot Landscaping

1. Interior parking lot landscaping is required for any vehicular use area of twelve (12) parking spaces or five thousand (5,000) square feet of pavement, whichever is greater.
2. The minimum amount of required landscaping in the parking lot shall be five percent (5%) of the lot interior. This landscaping counts towards the overall requirement for landscaping on the site.
3. For the purpose of computing the total interior area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including planting islands, curbed areas, corner areas, parking spaces, and all interior driveways and aisles, except those with no parking spaces located on either side.
4. Deciduous shade trees shall be planted within all parking lots on the basis of one tree for each twelve (12) parking spaces. The required trees may be clustered in planter bays or islands, but shall be located throughout the parking area to divide and break up expanses of paving and long rows of parking spaces and to create a canopy effect.
5. Planter bays or islands containing trees shall have a minimum planting area of twenty five (25) square feet, and shall have a minimum width of five feet (5') measured from the back of the curb.

10-XX-13: FENCING:

A minimum eight foot (8') decorative masonry wall is required between warehousing or commercial uses and agricultural or residential zones. A higher fence or wall may be allowed or required by the planning commission in unusual circumstances. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined by the planning commission.

10-XX-14: DESIGN CRITERIA:

A. All retail development must comply with the design criteria as required in section 10-13B-15 of this title. Building elevations will be reviewed and approved as part of the master plan.

B. All non-retail building elevations will be reviewed as part of the master plan process. Brick and stone accents should be used on buildings where possible. Metal buildings are prohibited.

10-XX-15 DEVELOPMENT AGREEMENT:

All development in the T-M zone shall require a development agreement to be reviewed and approved by the City Council.