



PLANNING COMMISSION MINUTES

Thursday, September 1, 2016
Approved October 6, 2016

The following are the minutes of the Planning Commission Meeting held on **Thursday, September 1, 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, Jeremy Burkinshaw, Adam Jacobson, Curt Noble, Robyn Shakespear

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

City Staff Present: City Planner Bryn McCarty, City Engineer Blake Thomas, Planning Intern Craig Evans

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

6:03:54 PM City Planner Bryn McCarty reported that UEA Weekend is October 20th and she will be out of town she may cancel the meeting. Chair Smith reported he'd be gone as well. Chris will be gone as well. Curt Noble was welcomed and introduced and the commission took opportunity to welcome him and quickly introduce themselves. Planner McCarty briefly reviewed a few processes. She asked who could attend the Utah League of Cities and Towns Conference/Training and provided information about an additional upcoming training.

The Miller Crossing Pod 15 plan was discussed. A revised plan will be on the planning commission agenda in two weeks. A discussion about the revised plan took place. There will be a ten foot trail and some additional units. Density would remain the same and would still be less than what was approved. The applicant is working through the secondary access.

There was a question regarding the fencing requirement for the eight lot Jacobson subdivision. The applicant wondered whether or not he was required to fence his existing home. The commission requirement was to fence around the entire subdivision all three sides.

1. [6:20:12 PM](#) Review of Agenda Items

Item 2.1 & 2.2 – Subdivision and Final Master Plan – three single family lots, chapel and open space – the proposal would be in the Town Center which has a master plan. The master plan approval and subdivision approval are required. The master plan is for setbacks, design and architecture. The subdivision approval is for the subdivision and the lots. Both the master plan and subdivision approval are discussed together. The proposal would be for five lots; one lot for a church, one lot would be the open space and the other three lots are for single family homes. The proposal would include Berry Creek Drive which is a road that connects to Riverton. The staff report includes all city requirements and master plan requirements.

Item 2.3 & 2.4 – Subdivision and Final Master Plan – 78 single family lots and 16 townhomes – the item would be for the phase just below the previous one proposed. Townhome front doors face the parkway and garages are on Ft. Herriman. Transit lines go along east side (back side) of development. Density was briefly discussed. The Town Center has a minimum density and a total overall density and Matt Watson will provide an update. Mr. Watson revealed that the builder for the townhomes will be Holmes Homes and a brief discussion about the look of the townhomes and development took place.

Item 2.5 – Rasmussen Preschool – Staff can approve home occupations unless there are neighbor concerns and then it would come to the commission for approval and allow those concerns to be addressed. The applicant received HOA approval, however, there are some neighbor concerns due to a shared driveway. Fencing is not allowed in the subdivision and therefore, children will not be allowed outside. Preschools do not have to be licensed by the state and city ordinance does allow up to 12 children. There was concern for that amount of children at the proposed property. Commission voiced concerns of traffic, safety of the children and issues with the shared driveway.

Item 2.6 – Croney – Detached Garage – policy states that staff can approve a detached garage up to 1,600 square feet, however, staff notified neighbors and there were some concerns. When concerns are voiced, the proposal comes to commission for approval. The applicant did provide an HOA approval for the garage. Matt Watson reported that the applicant did submit an application a year ago. At that time the HOA provided comments to the applicant that needed to be addressed; the garage elevations would need to match the home and setback adjustments were requested. The applicant may have not understood that he needed to correct those items before his request was approved. The applicant did resubmit a request and the HOA will meet tomorrow. The changes can be resolved. The commission would like to see the size of the garage and the percentage of the backyard it covers.

Item 3.1 – Text Change to Allow Chickens – some restrictions were removed and the number of chickens allowed was adjusted. A discussion about the 40 foot side yard setback took place. The suggestion was to change it to 25 feet and to not allow chickens in the front yard.

Item 3.2 – Text Change for Technology and Manufacturing Zone – changes were made mostly to the allowed uses. A discussion about the allowed uses and how the uses will be approved took place. The ordinance requirements were briefly reviewed.

Meeting Adjourned [7:03:28 PM](#)

7:06:06 PM **7:00 PM - Regular Planning Commission Meeting:**

Presiding: Chair Clint Smith

Commission Members Present: Chris Berbert, Andrea Bradford, Jeramy Burkinshaw, Adam Jacobson, Curt Noble, Robyn Shakespear

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

City Staff Present: City Planner Bryn McCarty, Deputy Recorder Cindy Quick, City Engineer Blake Thomas, Planning Intern Craig Evans

1. General Business:

7:05:59 PM Welcome

Chair Clint Smith welcomed those in attendance.

1.1 7:06:30 PM Invocation and Pledge

Andy Rasmussen offered the invocation and Jessica Croney led us in the pledge.

1.2 7:08:09 PM Roll call:

Full Quorum, Jessica Morton and Wade Thompson absent

1.3 7:08:15 PM Approval of Minutes for: August 18, 2016

Commissioner Chris Berbert MOVED to approve the minutes for August 18, 2016.

Commissioner Adam Jacobson 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 reviewed the public comment policy and procedure.

2.1 7:09:45 PM 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)

Chair Smith noted that item 2.1 and 2.2 will be discussed together.

City Planner Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to indicate the location of the property in the town center. The approved plan for the town center was shown.

Matt Watson (applicant), HTC Communities, noted that he would discuss both item 2.1 & 2.2 together. The Herriman Town Center is a master planned community, mixed use development, approved with 5.5 units per acre. To date there has been approvals for 626 single family lots, 449 multi-family lots and 536 apartments. The total of lots to date approved in the town center are 1,611 and 421 remain. With the approval of both

applications 324 would remain. The town center is 370 acres. He pointed out everything that had been approved and noted the areas that would still need approval. The single lot for the LDS chapel would still come before the commission for site plan approval and conditional use approval. Single family lots would face the 114 foot right of way. Elevations and location for the townhomes as well as the setbacks were shown. Townhomes would be two story units, with a basement, two car garage and 20 foot driveway. The single family homes would be a mixture of single or two story, with a basement, two car garage and full length driveway. The cross section of a street view was shown which will include a center median, two travel lanes in each direction and a bike lane. The regional detention site would be about 1½ acres and unsure how many acre feet it would store. There are no amenities planned because it is fairly deep, however, it would be landscaped.

[7:20:03 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

Citizen Comments:

None

[7:20:27 PM](#) Chair Smith closed the public hearing.

Chair Smith turned the time over to the commission for further discussion and possible action. Commissioners felt concerned with minimal parking but it may accommodate what is needed.

Commissioner Adam Jacobson MOVED to approve the item with staff recommendations and five requirements.

Commissioner Chris Berbert SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Jeramy Burkinshaw Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

The motion passed unanimously.

2.2 [7:21:46 PM](#) **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

Commissioner Adam Jacobson MOVED to approve the item with staff's four requirements, with a fifth requirement that all three have basements.

Commissioner Chris Berbert SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Jeramy Burkinshaw Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

The motion passed unanimously.

- 2.3 [7:23:00 PM 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**)

Chair Smith noted that item 2.3 and 2.4 will be discussed together.

City Planner Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The townhomes will face Ft. Herriman and the rest of the pod will have single family. The future UTA transit line would run along the east side of the property. Staff had questions regarding the elevations and parking. No requirements were listed because they are waiting for additional information and will bring it back in a couple of weeks.

[7:24:38 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

Citizen Comments:

None

[7:25:00 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson wondered whether or not the future UTA corridor was part of the plat. The response was no that it would not be part of the plat. The assumption was that at the beginning of 2018 UTA could be coming through and so they have preserved the right of way for that purpose. Commissioner Jacobson requested that staff recommendations require that the UTA Corridor is shown on the plat so that those moving in the area will be aware of it. Chair Clint Smith also requested that basements are included as a requirement.

Commissioner Jeremy Burkinshaw MOVED to continue the item without date.

Commissioner Adam Jacobson SECONDED the motion.

The motion passed unanimously.

- 2.4 [7:27:57 PM 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

Commissioner Jeremy Burkinshaw MOVED to continue the item without date.

Commissioner Adam Jacobson SECONDED the motion.

The motion passed unanimously.

2.5 [7:28:25 PM](#) **45C16** – Rasmussen – 5216 W Windom Rd – Proposed Home Occupation for a Preschool Zone: R-M – Acres: .04

City Planner Bryn McCarty explained that typically staff approves home occupations unless concerns are voiced. There were neighbor concerns and emails received for the proposal. The emails were included in the packet. Pictures of the property were shown. Two homes share one driveway. The applicant did receive approval from the HOA.

Jessica Rasmussen (applicant), 5216 W Windom Rd, detailed the proposed drop off and pick up route. She explained that children will be dropped off at the curb and she would take them to the home. Two sessions per day were proposed. Monday, Wednesday and Friday morning and afternoon class and Tuesday, Thursday morning and afternoon class. The afternoon class would be from 12:30-3:00pm with a maximum of 12 children for each session. Chair Smith questioned what would happen during inclement weather. The response was that she would hold hands and salt the driveway if it wasn't already done by the HOA. Commissioner Robyn Shakespear wondered if the area had a school bus route. The response was no there was not a bus stop. Commissioner Jeramy Burkinshaw wondered about staffing levels. The response was that it would be her and possibly a business partner. Planner McCarty reminded the commission that no employees are allowed.

Chair Clint Smith allowed comments to be shared.

Brandy Christensen, 5222 Windom Road, lives in front of the applicant, she felt fine about the curb side pickup, however, she was concerned about traffic and safety when backing out of her driveway.

Chair Smith revealed that fencing was not allowed in the subdivision. Commissioner Chris Berbert asked if the applicant planned to have children outside. The response was no.

Chair Smith then turned the time to the commission for further discussion and action. Commissioner Adam Jacobson commented that in a pod development there would be limited common use and wondered if staff had looked at what was allowed. Her further explained that sometimes limited common means that only those who live there can access the driveway. Planner McCarty explained that she expected that the HOA would have looked at that use allowed. Commissioner Chris Berbert explained that he had previously lived in the area and when it snowed, he saw one or two cars sliding on that road and felt concerned about the safety of the area. Chair Smith did not want to violate ordinances in the HOA and wanted to make sure safety was considered. Commissioner Berbert stated that there would be a possibility of 48 cars when sessions are maxed. He worried about parking becoming an issue and the commissioners agreed.

City Planner McCarty showed the plat which had hash marks in the driveway and the back porch. It was labeled as limited common area. Commissioner Jacobson felt that the hash marks indicated that it limits who can use the driveway. He felt that an attorney would need to look at it before making a decision and Chair Smith felt a legal decision should be obtained. Commissioner Berbert suggested that the amount of traffic that could occur when the sessions are full would need to be addressed. He was concerned that the area would not handle that much traffic all at once. He would like to see something saying it's an appropriate use for the area. Commissioner Jeramy Burkinshaw agreed. He likes home based businesses however, some may be better served in commercial areas than in a residential area. He was not sure the location was right for the proposed business. Commissioners all voiced concerns with potential traffic, safety of children and what the definition of limited common area would involve. The consensus was that the applicant obtain a legal opinion and provide a safety plan to mitigate the traffic and safety concerns.

Commissioner Adam Jacobson MOVED to continue the item without date.

Commissioner Curt Noble SECONDED the motion.

The motion passed unanimously.

2.6 [7:50:25 PM](#) **44C16**– Croney – 14638 S Highfield Dr – Proposed Detached Garage – Zone: R-2-15 – Acres: .29

City Planner Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared to show the location of the garage. City ordinance allows for up to 800 square feet for a detached garage, however, the proposal was for 1,200 square feet. Pictures of the existing home were shown. Staff did receive concerns from neighbors. The applicant submitted the plan to the HOA and some changes need to be made before they will give an approval. The applicant was working on those changes for an approval. The suggestion was to continue the item until the applicant receives HOA approval.

Abe Croney (applicant), 14638 S Highfield Dr, reported that he started the process with the HOA last July and at thought the HOA manager at the time had approved his plan. However, three days ago, the new HOA manager made him aware of some changes needed. He was told that there shouldn't be an issue and they meet as a board tomorrow. He explained that most neighbors were fine with the garage and only a few behind him had concern with the height. He then put up a PVC pipe frame to show the height. He reported after the frame was on display only one neighbor still had concerns. The height would be 16 feet at mid roof, 19 feet to the peak. The elevation will match the home. The size of the garage would be 30 x 40 feet – 1,200 square feet to make the garage large enough for an RV. He was told that setbacks would need to be seven feet instead of five feet as shown on the plan. He believed the garage would cover approximately 17-18% of the back yard.

Commissioner Adam Jacobson suggested that the only thing needed was the HOA approval and the official percentage the garage would cover of the back yard. Commissioners wanted to ensure that the building materials match the home. Mr. Croney explained that he did send new plans to staff but he had been having issues with email so he would make sure they have the new plans.

Commissioner Chris Berbert MOVED to continue without date.

Commissioner Robyn Shakespear 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 [7:59:53 PM](#) **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*)

City Planner Bryn McCarty oriented the commission with the proposed text change to allow chickens in residential zones. Based on comments received some changes were made to the ordinance. The ordinance was pretty intense before and some of the requirements had been eliminated. Roosters will not be allowed, the

requirements for rear yard and side yard were adjusted. The number of chickens allowed was adjusted to four with a maximum of ten. It was noted that this would be a recommendation to city council.

8:02:03 PM Chair Smith continued the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

Citizen Comments:

None

8:02:27 PM Chair Smith closed the public hearing.

Chair Clint Smith felt the changes made were good and the most important aspects were kept. He reported that a lot of people have demonstrated that chickens can be kept and maintained in residential lots without impacting neighbors. He was in favor and good with the suggested numbers. He would like to see a change to distance B & D. He would like to include the suggestions made by Commissioner Adam Jacobson to say that no enclosures in the front yard would be allowed unless behind a fence and reducing forty feet rear and side yard to allow flexibility on a 5,000 square foot lot. He felt that requirement could be 25-30 feet from the neighbor.

Commissioner Chris Berbert MOVED for recommendation to the city council to approve the item with two changes. In 10 B, change that to, no enclosures will be permitted in any front yard and in 10 D recommending a change to, all chicken coops should be placed at least 25 feet from any dwelling on any adjacent lot. (Clarification provided by Commissioner Jacobson was to add to the first sentence, 'shall be contained entirely behind a fence' and 'no enclosures will be permitted in any front yard').

Commissioner Adam Jacobson SECONDED the motion.

Commissioner Curt Noble questioned the requirements for fencing. He was told that the area he lives in was zoned agricultural, however, the zoning requirement in the ordinance proposed was for residential.

City Planner Bryn McCarty requested that the ordinance state, chicken enclosures must be contained entirely behind a fence in the side or rear yard and will not be allowed in the front yard. Commission members were fine with that suggestion.

Commissioner Chris Berbert amended his recommendation to include Planner McCarty's suggestion.

Commissioner Chris Berbert MOVED for recommendation to the city council to approve the item with two changes. In 10 B, change that to, no enclosures will be permitted in any front yard and in 10 D recommending a change to, all chicken coops should be placed at least 25 feet from any dwelling and must be contained entirely behind a fence in the side or rear yard and will not be allowed in the front yard.

Commissioner Adam Jacobson SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Jeremy Burkinshaw Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

The motion passed unanimously.

3.2 [8:10:16 PM](#) **14Z16** – Herriman City – Text change to the Land Use Ordinance to create a Technology and Manufacturing Zone (*Public Hearing opened on August 4, 2016*)

City Planner Bryn McCarty oriented the commission with the proposed text change to create a Technology and Manufacturing Zone. The public hearing was opened a month ago to make a few changes to the uses. The ordinance would require a master plan, development agreement and zoning condition per property proposed. Food related manufacturing would be specifically prohibited. The landscaping and fencing requirements remained in the ordinance. The proposal was not for a specific property, just to create a zone. A change was suggested for the language of a development adjacent to the area closest to residential; the suggested language was compatible with existing adjacent uses or something with the general plan. Commissioner Chris Berbert suggested adding language regarding sound pollution and defining truck routes. City Planner Bryn McCarty reported that there are defined truck routes already in place she suggested adding that in the master plan. Chair Clint Smith suggested tightening up the language of purpose of provisions, where it says these areas are to be located in proximity to adequate transportation facilities and infrastructure. Commissioner Berbert reiterated that he felt the sound pollution requirements should be in the ordinance, especially with the materials used for facilities. City Planner McCarty explained that the sound pollution requirements would fall under the health ordinance and could be addressed with each individual application. Commissioner Berbert suggested that some categories be included in a different zone and a discussion about appropriate categories for the proposed zone took place. Commissioners suggested removing the following uses: commercial storage or distribution, light manufacturing assembly, outdoor storage and materials, medical clinics, manufacturing, printing and publishing and warehousing and wholesale distribution. It was suggested that the uses that support the light manufacturing business should be included. However, if the use was as a standalone entity, then the category should be removed from the zone. Planner McCarty suggested adding a description for example, ‘warehousing and distribution incidental to another use.’ Master plan requirements would include parking and vehicle areas to the site and an additional requirement adjacent traffic routes to be compatible with existing or future uses as shown on the general plan. Chair Smith felt that a reduction may be granted for landscaping but not a 50% reduction. This type of site does need more landscaping to soften and blend into the surrounding uses. Commissioner Adam Jacobson suggested that the landscaping state that developers shall incorporate amenities like these. The commissioners reviewed all uses. The commission continued suggestions to remove the following uses: agricultural, archery shop, cemetery and mortuary, commercial storage and distribution (unless incidental to an allowed use), conference center, convention centers and reception centers, financial institution and services (strike out the word institution and leave financial services), green house and nursery. Commissioner Chris Berbert would like the category of light manufacturing more clearly defined. The commission continued suggestions and the consensus was to remove: medical and dental clinics, facilities, printing and publishing facilities and state store. Commissioner Berbert would like to see accessory buildings come back for planning approval. City Planner McCarty explained that there was a requirement that all retail developments meet the retail criteria of 60% brick or stone. All other buildings have to be approved through the master plan which would be approved by the planning commission and metal buildings are specifically prohibited. Landscaping requirements would be included in the ordinance.

[8:45:44 PM](#) Chair Smith continued 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:

Gregg Poulsen, 13657 S 6315 W, appreciated what was discussed and was glad to have the uses narrowed down. He felt that there was ambiguity with light manufacturing as well. He wondered if there were regulations that would prevent extrusions and how much could be put out in a parking lot. He noted that trailers could be stacked in a welding facility, fork lifts could drop onto the concrete making lots of noise and bay doors could be opened allowing the noise of the equipment to be heard in surrounding facilities/neighborhoods. He suggested separating the two uses into different zones.

[8:48:03 PM](#) Chair Smith closed the public hearing.

Commissioner Chris Berbert reiterated that he would like more definition for light manufacturing.

Commissioner Adam Jacobson MOVED to continue the item without date.

Commissioner Robyn Shakespear SECONDED the motion.

The motion passed unanimously.

4. Chair and Commission Comments:

Commissioner Adam Jacobson would like home occupations in tight density areas reviewed. City Planner McCarty explained that home occupations cannot have employees and cannot use structures outside the home. There are home occupations in agricultural zones that allow for one employee and use of an outside building. However, there are larger lots that are not in agricultural zones and smaller lots in agricultural zones that should be allowed home occupations. It will be clarified as a special home occupations on a third acre or larger. Commissioner Jacobson would also like the parking ordinance addressed. Planner McCarty reported that staff contracted with an attorney to address the ordinance. The attorney would like to focus on processes and include those processes in the ordinance which will be very clarified. There will also be a table for all uses where something is allowed and where it is not allowed. It was noted that it might take five or six months to review and adjust the ordinance. Once it has been completed, the changes will be brought to them all at once, about 200 pages. The attorney would also help with the parking and sign ordinance. She reported that the home occupation would be done sooner.

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:

Chair Clint Smith called for a motion to adjourn.

Commissioner Adam Jacobson MOVED to adjourn the meeting and Commissioner Chris Berbert SECONDED the motion.

The motion passed unanimously.

The meeting adjourned at [8:55:12 PM](#).

I, Cindy Quick, Deputy Recorder of Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 1, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder