



## PLANNING COMMISSION MINUTES

**Thursday, May 16, 2019**

**Approved June 20, 2019**

The following are the minutes of the Planning Commission Meeting held on **Thursday, May 16, 2019 at 7:00 p.m.** in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), 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 Chris Berbert

**Commission Members Present:** Andy Powell, Jackson Ferguson, Adam Jacobson, Lorin Palmer, Brody Rypien, Heather Garcia and Colby Oliverson, Andrea Bradford was present for the work meeting

**Commission Members Absent:** Joy Kaseke

**Staff Present:** City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Planner I Craig Evans, Planning Intern Samantha DeSeelhorst, Communication Specialist Jon LaFollette, Deputy Recorder Wendy Thorpe, Staff Engineer II Josh Peterson, Director of Parks, Events and Recreation Wendy Thomas, Staff Engineer Jory Howell, Assistant City Manager Gordon Haight

### **Work Meeting** (*Fort Herriman Conference Room*)

Chair Chris Berbert called the work meeting to order at 6:01 pm.

#### **1. Introduction of the New Planning Commissioners**

City Planner Michael Maloy announced that three new alternate Commissioners had been chosen and two of them, Heather Garcia and Colby Oliverson, were introduced. Joy Kaseke was not present and would be introduced at a later meeting. Staff provided brief introductions. Updated contact information was pointed out on the cover of the binders, including several email updates. This information would not be public and will never be placed on a website or given out.

## 2. Review of City Council Decisions

Assistant City Planner Bryn MacDonald and City Planner Michael Maloy mentioned that the City Council had a consultant for the General Plan provide an update at the previous work meeting. The lead consultant adjusted forms and there were updates on community events for public outreach, social media, and surveys. The draft agreement for Herriman Crossroads, however, needs further review by staff. The City Council expressed an interest in meeting with the Commissioners and staff for more information. In addition, the updates to the Planning Commission and budget were proposed to be adopted on June 8, 2019 and were currently available to the public.

## 3. Review of Agenda Items

Assistant City Manager Gordon Haight reviewed the rezoning of the Auto Mall area and approximately six dealers would claim ten acres each of the area. About item 3.2 from Miller Crossing to Mountain View Corridor the need for more entertainment to draw people to the area was expressed. Possibilities mentioned included bowling, mini golf, escape rooms, ropes courses, restaurants, and others which would fit well into a commercial area. In addition, another entertainment area was mentioned between Midas Creek and Miller Crossing; however, as this type of development is only allowed in a C-2 zone, a rezone would be necessary. Chair Chris Berbert mentioned that a commercial recreation zone might prove a useful addition to City Code. The area would be recommended to be deed restricted to control what it would contain.

The Commissioners discussed the trail being built from Riverton to the high school that would pass through the water amenities and add a destination draw. Commissioner Jackson Ferguson voiced his concern that the complex might decrease in value, as did Seven Peaks. Certain fun-filled areas are trendy but eventually lose City interest. Chair Chris Berbert responded that the City aims for adaptability in the entertainment locations, allowing for easier changes down the road. The developer is optimistic that this would be a long time into the future, if ever. A public hearing would be held for the developments.

Item 2.3 discussed the flat roof request. The original ordinance was written specifically for the “Up” house. The Planning Commission will determine whether the design features should receive approval. First, the Commissioners asked for additional features. In addition, the standard for multi-family housing provides an attempt to avoid poor design features. Before any of the new changes are implemented, the Commission would need to carefully consider all aspects. One main issue is that the modern look lacks privacy as windows lack blinds. There is an additional risk of flatter roofs leaking as well, depending on materials.

Item 3.3 refers to the cannabis ordinance. This was set by State statute and addressed manufacturing, growing or processing of cannabis and it does not address dispensing. The state mandates commercial, industrial and agricultural zones for growth. The dispensaries would function the same as liquor stores with state control.

## 4. Training

City Planner Michael Maloy mentioned that training information would be provided to the new

commissioners. Brent Bateman from the state would attend a future meeting to train on property rights. The training will last longer than usual so meeting times may be altered for that meeting. City Planner Michael Maloy also stressed that the Commissioners should stay impartial to the public and refrain from commenting or engaging in dialogue on social media.

Chair Chris Berbert discussed weatherproofing commercial areas. He also mentioned an example from Portland where there is an ordinance for a bike path on all new and repaired roads. He also advocated the benefits of increased internet speeds, which have been shown to increase revenue and income levels.

*Planning Commission work meeting adjourned by consensus at 6:58 p.m.*

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

### **1. Call to Order**

Chair Chris Berbert called the meeting to order at 7:04 p.m. and welcomed those in attendance.

#### **1.1 Invocation/Thought/Reading and Pledge**

Colby Oliverson led the audience in the Pledge of Allegiance.

#### **1.2 Roll call**

Full Quorum Present.

#### **1.3 Conflicts of Interest**

No Conflicts were offered.

#### **1.4 Approval of the Minutes for April 4, 2019**

Commissioner Lorin Palmer moved to approve the April 4, 2019 Planning Commission Minutes. Commissioner Brody Rypien seconded the motion, and all voted aye.

## **2. Administrative Items**

*Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.*

### **2.1 Request: Conditional Use Permit for Approximately 3/4 Mile of New Trail as an Alternate Path to Eric's Trail**

**Applicant:** Herriman City  
**Address:** 14852 S Juniper Crest Road  
**Zone:** FR-2.5 (Forestry Recreation) & R-1-15 (Residential)  
**File Number:** C2019-036

Staff Engineer Jory Howell explained the alternate route consisted of .75 miles of trail, and defined the

location which is in the primitive hillside foothills of Herriman. He added the trail required switchbacks due to steepness.

*Commissioner Powell moved to approve item 2.1 file number C2019-036 Conditional Use Permit for Approximately ¾ Mile of New Trail as an Alternate Path to Eric's Trail. Commissioner Ferguson seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      Aye*

*Commissioner Andy Powell      Aye*

*Commissioner Brody Rypien      Aye*

*Commissioner Jackson Ferguson      Aye*

*Commissioner Lorin Palmer      Aye*

*Commissioner Heather Garcia      Aye*

*The motion passed unanimously.*

## **2.2 Request: Preliminary plat for a 1 Lot Subdivision for Herriman Elementary #6 (Public Hearing)**

**Applicant:** Great Basin Engineering

**Address:** 14120 S Greenford Ln

**Zone:** R-2-15 (Residential)

**Acres:** 12.492

**File Number:** S2019-030

Chair Chris Berbert reviewed the Public Comment Guidelines.

David Ross representing Jordan School District and Civil Engineer Mark Babbit approached the podium and offered to answer questions on the project.

Commissioners confirmed that Sentinel Ridge Road and Autumn Crest Boulevard are the same road, the name was being changed because of the high school.

Chair Chris Berbert opened the Public Hearing.

No comments were offered

Chair Chris Berbert closed the Public Hearing.

The following were recommendations offered:

1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Dedicate right of way for Sentinel Ridge Blvd.

4. Install landscaping, sidewalk, street lights, and street trees on Sentinel Ridge Blvd.
5. No driveway access will be allowed onto Sentinel Ridge Blvd.
6. Work with engineering on providing adequate storm water detention for the site. This may require participation in an off-site detention/retention facility.

*Commissioner Jacobson moved to approve item 2.2 file number S2019-030 Preliminary plat for a 1 Lot Subdivision for Herriman Elementary #6 (Public Hearing) with six staff requirements. Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      Aye  
Commissioner Andy Powell      Aye  
Commissioner Brody Rypien      Aye  
Commissioner Jackson Ferguson      Aye  
Commissioner Lorin Palmer      Aye  
Commissioner Heather Garcia      Aye*

*The motion passed unanimously.*

### **2.3 Request: Deviation from the Single Family Dwelling Standards to Allow a Roof Pitch Less than 5:12 on Lot 16 of the Range East**

**Applicant:** Green Haven Homes  
**Address:** 7516 W Black Rock Ln  
**Zone:** A-25 (Agricultural)  
**Acres:** .31

**File Number:** C2019-045

Applicant Jason Darger developer and owner of Green Haven Homes, approached the podium and mentioned that he previously built six homes that deviated from the same ordinance. Many of these are higher priced, around \$750,000 - \$800,000 range and one such home was featured in The Parade of Homes. These homes are not cheaper to build and included increased stone, larger windows and eves. He presented images of the plans and photos of similar homes. He lived in the community and desired to build homes that he was proud of and this home offered a look requested by home buyers.

The Commissioners questioned the roof pitch of the photo presented and the applicant confirmed it was a 4:12 roof pitch. Commissioner offered the opinion that more stone around the side of the house would be desirable and requested more information, including building materials. They added that in the past, various types of wood products enhanced windows. In addition to this information, the Commissioners requested the plans for the updated garage doors. Since this is a corner lot, both street facing sides would need to have compensating features. The Commissioners expressed interest to see the changes to the plan.

Applicant Jason Darger continued by identifying his preferred elevation. He would like the front elevation to match a more modern look with the inclusion of honeycomb blinds. The applicant offered to provide more

information on future plans and inquired of the timeframe. Staff offered that the item would be added to a future meeting agenda as soon as possible after updated plans were received.

The Planning Commission then discussed more fully the current homes that did not meet City standards. Staff stated the City is addressing the issue and making efforts to more diligently enforce compliance of design standards by adding staff. They also added that the Prairie Style included a roof pitch of at least 5:12 to properly honor the typology.

*Commissioner Jacobson moved to continue without date item 2.3 file number C2019-045 Deviation from the Single Family Dwelling Standards to Allow a Roof Pitch Less than 5:12 on Lot 16 of The Range East. Commissioner Powell seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      Aye*

*Commissioner Andy Powell      Aye*

*Commissioner Brody Rypien      Aye*

*Commissioner Jackson Ferguson      Aye*

*Commissioner Lorin Palmer      Aye*

*Commissioner Heather Garcia      Aye*

*The motion passed unanimously.*

#### **2.4 Request: Subdivision Amendment to split Lot 8 into two lots in Sedona Estates (Public Hearing)**

**Applicant: Larry Jacobson**

**Address: 6956 W Gina Rd**

**Zone: A-25 (Agricultural)**

**Acres: .96**

**File Number: S2019-005**

Applicant Larry Jacobson approached the podium and explained he no longer houses horses on the property and that equipment storage on the land had not worked well. He would like to subdivide and sell the plot for development and store his equipment elsewhere.

Chair Chris Berbert opened the Public Hearing.

No comments were offered

Chair Chris Berbert closed the Public Hearing.

Commissioner Adam Jacobson offered his opinion that he did not support subdividing the property and all future subdividing should be very limited and restricted. The Commission voted to approve the subdivision

with a maximum of eight lots and he advised against deviating from that previous motion.

Staff stated, however, that feedback from the neighbors were in support of the subdivision.

The Commissioners discussed various Staff Report issues with well access, utility easement and drainage.

Applicant Larry Jacobson stated that the well was located in the middle of lot number eight. His neighbor has City water and is no longer using the well water. This was originally a 5-acre lot and underwent subdivision when the property was annexed into Herriman City.

Commissioners offered the opinion that dividing the lot would fit the neighborhood well. The engineering department reported that a regional detention pond is nearby and would accommodate additional drainage. Commissioners offered the opinion that this would enhance the subdivision.

The following were offered as recommendations:

1. Review and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Both lots shall have 85 feet of frontage along Sedona Ct.
4. Both lots shall have a minimum of 10,000 sq. ft.
5. Plat must be recorded prior to submitting a building permit application.
6. Both lots must be in compliance with all nuisance and parking ordinances.
7. Install landscaping in the park strip for both lots.

*Commissioner Rypien moved to approve item 2.4 file number S2019-005 for the Subdivision Amendment to split Lot 8 into two lots in Sedona Estates with recommendations. Commissioner Palmer seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      No*

*Commissioner Andy Powell      No*

*Commissioner Brody Rypien      Aye*

*Commissioner Jackson Ferguson      Aye*

*Commissioner Lorin Palmer      Aye*

*Commissioner Heather Garcia      Aye*

*The motion passed with a split vote of 4 to 2.*

## **2.5 Request: Conditional Use Permit for a Preliminary Site Plan for Anthem Commercial Lot 204**

**Applicant:** Think Architecture, Inc.

**Address:** 5247 W Anthem Peak Ln

**Zone:** C-2 (Commercial)

**Acres:** 1.17

**File Number:** C2019-034

Chris Williams from JCWs approached the podium. He mentioned that there has already been interest in the development from multiple low volume tenants.

Requirements:

1. Receive and agree to the recommendations from other agencies.
2. Install fire hydrant(s) if required by UFA.
3. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped which will mitigate or eliminate detrimental visual impacts.
4. 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') which will mitigate or eliminate detrimental visual impacts. This should include trees in the park strip every 30 feet. The 20 feet can be reduced to 15 feet under the provisions outlined in Chapter 23 of the Land Development code.
5. Building elevations are to come back before the Planning Commission for final approval, including a materials board.
6. Install curb, gutter, sidewalk, street lights, and park strip on all streets, including Anthem Peak Lane.
7. No signs are approved with this request; a separate approval will be required.
8. Screen all outside trash and dumpster areas which will mitigate or eliminate detrimental visual impacts.
9. Parking will be calculated based on future use.
10. Provide storm drain detention for the property. This can be provided in shared facility for the entire commercial center. A maintenance agreement for any detention ponds will be required for engineering approval.
11. The Building department will review accessibility with the Engineering review. Provide an Accessibility Detail Sheet. The detail sheet should include an accessible route from the public street to the building.
12. Provide Fire Flow Test Report per the UFA test report requirements.
13. Parking lot lights to meet the existing lights for JCW and Les Schwab.
14. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
15. All detention is required to be landscaped, including sod, sprinklers, and trees.
16. Provide sidewalk connectivity on Anthem Peak Lane.

*Commissioner Jacobson moved to approve with 16 requirements item 2.5 file number C2019-034 Conditional Use Permit for a Preliminary site Plan for Anthem Commercial Lot 204. Commissioner Ferguson seconded the motion.*

*The vote was recorded as follows:*

Commissioner Adam Jacobson      Aye  
Commissioner Andy Powell      Aye

*Commissioner Brody Rypien*      *Aye*  
*Commissioner Jackson Ferguson*      *Aye*  
*Commissioner Lorin Palmer*      *Aye*  
*Commissioner Heather Garcia*      *Aye*  
*The motion passed unanimously.*

**2.6 Request: Conditional Use Permit for two Planned Center Signs for Herriman Corner Commercial Subdivision**  
**Applicant: Universal Signs**  
**Address: 5708 West 13400 South**  
**Zone: C-2 (Commercial)**  
**File Number: C2019-029**

The applicants representing Universal Signs approached the podium and explained the color and size of the sign. The location has multiple tenants.

The following were offered as recommendations:

1. Signs approved as submitted.
2. Signs shall be setback at least 2 feet from the property line and shall not be placed within the clear-view.
3. Maximum height of 16 feet above sidewalk grade.
4. Maximum size of 200 square feet.
5. Sign columns must be brick or stone to match the building in the commercial development.
6. Submit building permit for approval.

*Commissioner Palmer moved to approve with requirements item 2.6 file number C2019-029 Conditional Use Permit for two Planned Center Signs for Herriman Corner Commercial Subdivision with recommendations. Commissioner Powell seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson*      *Aye*  
*Commissioner Andy Powell*      *Aye*  
*Commissioner Brody Rypien*      *Aye*  
*Commissioner Jackson Ferguson*      *Aye*  
*Commissioner Lorin Palmer*      *Aye*  
*Commissioner Heather Garcia*      *Aye*  
*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. Request: Text Change to the Land Development Code to Make Various Revisions to the A-.25 (Agricultural) Zone (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2019-037**

Assistant City Planner Bryn MacDonald defined the agricultural A-.25 zone, and explained the purpose of the text change was to provide areas in the City for low density residential development, together with limited agricultural uses. She added the minimum lot size is 10,000 feet and maximum density of 1.8 units per acre. Additional bonus density may be added with specific amenities, such as trails, splash pads or parks, but not to exceed 2.5 lots per acre. Planned Unit Development (PUD) is now an overlay zone and not a conditional use.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the Public Hearing.

It was clarified that this request conforms with the General Plan.

The Commissioners cautioned that it should be tied to a lower density and voiced concern with the potential for later subdivision or flag lots.

*Commissioner Jacobson moved to continue to the next meeting item 3.1 file number Z2019-037 Text Change to the Land Development Code to Make Various Revisions to the A-.25 (Agricultural) Zone (Public Hearing). Commissioner Palmer seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      Aye*

*Commissioner Andy Powell      Aye*

*Commissioner Brody Rypien      Aye*

*Commissioner Jackson Ferguson      Aye*

*Commissioner Lorin Palmer      Aye*

*Commissioner Heather Garcia      Aye*

*The motion passed unanimously.*

**3.2. Request: Rezone 6 Acres from Auto Mall Special District (AMSD) to C-2 (Commercial) (Public Hearing)**

**Applicant: Herriman City**

**Address: 12120 Mountain View Corridor**

**Acres: 6**

**File Number: Z2019-044**

Assistant City Planner Bryn MacDonald displayed maps and explained that the commercial recreational use area was near the middle of the Auto Mall zone and would be a recommendation to City Council.

Chair Chris Berbert opened the Public Hearing.

David Brickell mentioned his support of the Auto Mall for tax benefits; he also supported this recreation due to citizen necessity.

Chair Chris Berbert closed the Public Hearing.

The Commissioners offered that this is a downgrade from the Auto Mall to entertainment but the redeeming value would be for the City to retain some control over it. The Planning Commission mentioned that they could offer an opinion to City Council regarding the zoning. They agreed that the zoning should be limited to recreation and entertainment for both outdoor and indoor use. There is plenty of room for the Auto Mall even with the new arrangements. Overall, it would add an additional draw to the City with both indoor and outdoor use. However, they mentioned not wanting to entertain too many limitations as the deed restriction will ensure the proper uses, including restaurants and complimentary accessory uses.

*Commissioner Jacobson moved to recommend approval of item 3.2 with the zoning condition to require recreation and entertainment, to the City Council, file number Z2019-044 Rezone 6 Acres from Auto Mall Special District (AMSD) to C-2 (Commercial) (Public Hearing). Commissioner Palmer seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>No</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>

*The motion passed 5 to 1.*

**3.3. Request: Text Change to the Land Development Code to Allow Cannabis Production as a Conditional Use in the A-1 and M-1 Zones (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2019-027**

Assistant City Planner Bryn MacDonald stated that the Legislature passed the Cannabis Production Act and required the City to provide agricultural and production zones for growth and production in A-1 and M-1 zones. Dispensaries were not addressed at this time. Distance requirements would be set and the State would have requirements on the facilities as well. She recommended opening the public hearing and leaving it open and continuing the motion to allow Staff time to compile standards information.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Berbert announced that the Public Hearing will remain open.

It was mentioned that the State does require indoor secure growing facilities.

*Commissioner Palmer moved to continue without date and with the public hearing left open for item 3.3 file number Z2019-027 Text Change to the Land Development Code to Allow Cannabis Production as a Conditional Use in the A-1 and M-1 Zones (Public Hearing). Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Adam Jacobson      Aye*

*Commissioner Andy Powell      Aye*

*Commissioner Brody Rypien      Aye*

*Commissioner Jackson Ferguson      Aye*

*Commissioner Lorin Palmer      Aye*

*Commissioner Heather Garcia      Aye*

*The motion passed unanimously.*

**4. Chair and Commission Comments**

Commissioner Jackson Ferguson cautioned moving forward with the entertainment zone or else the City will own it in ten years. Commissioner Chris Berbert expressed the necessity for a level of protection to ensure that neighborhoods maintain the aura of the original approval. He proposed considering solutions to avoid excessive subdividing.

Assistant City Planner Bryn MacDonald added that this issue could be addressed at the Joint meeting on May 29, 2019 and offered to add it to the agenda. She also stated that for the record, it should be clarified

that the cannabis public hearing for item 3.3 would remain open until the June 6, 2019 meeting.

Commissioner Brody Rypien would like an explanation for how open space is calculated when appropriate.

Commissioner Adam Jacobson expressed an interest in having a discussion with City Council and the City code enforcement officer. This would allow the commission to hear about common issues that are not yet enforceable to due standards needing to change.

Chair Chris Berbert would like further discussion on the commercial recreation zone, which is part of the General Plan. He also offered that it would prove useful to discuss weatherproofing the commercial areas. This would allow for year-round use and walkability, even during the winter, especially for the area adjacent to City Hall. Commissioner Jackson Ferguson mentioned providing streetscapes with radiant sidewalks or covered walkways.

Chair Chris Berbert mentioned his desire to access increased broadband speeds, which have been shown to increase income levels and overall business revenues, and ensure the City does all it can to get the higher broadband speeds. Commissioner Andy Powell offered that UDOT installs extra conduits and the possibility of collaborating with the State.

Chair Chris Berbert also offered the opinion that infrastructure should be accessible for walking and biking. He mentioned that Portland, Oregon had an ordinance requiring all roads, whether new or undergoing repairs, to include areas for bikes. Now is the time to add something similar to ensure bike-friendly roads. This would link recreational trails to city roads and commercial areas. The City would also need to consider providing public places for bike storage and/or parking. Commissioner Brody Rypien opined including a Master Walkability Plan to ensure connectivity between residential and commercial spaces.

## 5. Future Meetings

- 5.1 City Council Meeting – **Wednesday, May 22, 2019** @ 7:00 PM
- 5.2 Joint Planning Commission / City Council Meeting – **Wednesday, May 29, 2019** @ 5:30 PM
- 5.3 Planning Commission Meeting – **Thursday, June 6, 2019** @ 7:00 PM

## 6. Adjournment

*Commissioner Palmer made a motion to adjourn the meeting at 8:32 pm and all voted aye.*

*I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 16, 2019. This document constitutes the*

*official minutes for the Planning Commission Meeting.*

Wendy Thorpe  
Wendy Thorpe

