



PLANNING COMMISSION MINUTES

Thursday, March 18, 2021

Approved May 6, 2021

The following are the minutes of the Herriman Planning Commission meeting held on **Thursday, March 18, 2021 at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Chair Chris Berbert

Commissioners Present In Person: Brody Rypien and Heather Garcia

Commissioners Present Electronically: Andrea Bradford, Andy Powell, Adam Jacobson, Jackson Ferguson, and Joy Kaseke

Commissioners Excused: Lorin Palmer

Staff Present In Person: City Planner Michael Maloy, Planning Manager Clinton Spencer, Interim City Manager Wendy Thomas, Community Development Director Blake Thomas, HPD Deputy Chief of Police Cody Stromberg, Deputy City Recorder Wendy Thorpe, Planner I Nick Whitaker, Planner II Sheldon Howa, Communications Specialist Destiny Skinner, City Engineer Jonathan Bowers, Staff Engineer II Josh Petersen, and City Attorney Chase Andrizzi

Staff Present Electronically: Engineer II Josh Petersen, City Engineer Jonathan Bowers, Assistant City Manager Tami Moody, and Community Development Director Blake Thomas

6:00 PM - WORK MEETING: (Council Chambers)

1. Work Meeting

Chair Berbert called the meeting to order at 6:02 p.m.

1.1. Review of City Council Decisions – Michael Maloy, City Planner

Assistant City Planner Maloy stated the reinstatement of Commissioners Rypien, Ferguson and Powell would be on the agenda for the next City Council meeting.

1.2. Review of Agenda Items – Michael Maloy, City Planner

City Planner Maloy informed the Commission item 3.2 needed to be tabled, due to improper notification, and would be rescheduled for the next meeting. Public comments may be heard on item 3.4, as the public hearing was previously noticed.

Commissioner discussed item 3.4 and expressed issues with the roundabout. They asked if safety information may be solicited from HPD Deputy Chief Stromberg. It was explained that HPD and HFA comments, made at DRC meetings, would be included in the packets. Chair Berbert expressed safety concerns should be discussed in person at meetings for public awareness.

1.3. Training – Michael Maloy, City Planner

City Planner Maloy presented a TED talk. Commissioners discussed ways to use similar methods at Herriman City.

The work meeting adjourned by consensus at 7:00 p.m.

2. 7:00 – Regular Planning Commission Meeting

Chair Chris Berbert called the meeting to order at 7:02 p.m.

2.1. Invocation/Thought/Reading or Pledge of Allegiance

Deputy Recorder Thorpe led the audience in the Pledge of Allegiance.

2.2. Roll Call

Full Quorum Present.

2.3. Conflicts of Interest

No conflicts were offered.

2.4. Approval of Minutes for the February 4, 2021 and February 18, 2021 Planning Commission Meetings

Commissioner Andrea Bradford MOVED to approve item 2.4 Approval of Minutes for the February 4, 2021 and February 18, 2021 Planning Commission Meetings. Commissioner Adam Jacobson SECONDED and all voted aye.

Chair Berbert stated item 3.2 was continued and the public hearing would take place at the next meeting.

3. Administrative Reports

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.

3.1. Request: Conditional Use for White Pine Dental Site Plan

Applicant: Chris Layton

Address: 11926 S Anthem Park Boulevard

Zone: C-2 (Community Commercial)

Acres: 1.24±

File Number: C2021-017

Planner II Sheldon Howa reviewed the subject property zoning map. Phase one consisted of 5,000 square foot dental offices. Phase two development was anticipated in early 2022. Vehicular access was proposed from Anthem Park Boulevard. A masonry wall would be constructed along the back of the parcel. Commissioners offered concerns with traffic cutting through. Commissioner Jacobson recommended a “T” intersection. Planner II Howa said that should be approached with the applicant. Parking requirements met the standard for both phases, and the elevation contained enough brick or stone to meet the elevation requirements. Three more parking islands were needed to meet the landscaping requirements. The code required a fifteen-foot buffer along the west side, but on the current plan it was only five feet wide. The development complied with the newly adopted water efficiency standards. Commissioners asked about lighting. Planner Howa replied interior parking lot lights needed to be changed to meet the City standards.

Applicant Chris Layton approached the podium. He addressed the access had been decided with the neighboring business and there would be a cross access agreement. They will adjust the fixtures in the parking area to meet city standards. He confirmed the masonry wall requirement and asked if colored concrete block fence complied. City staff responded the City code required a decorative masonry wall. Commissioners stated the wall needed to match all the way around the development. The applicant stated they would work with staff to make sure the number of parking stall islands complied with City requirements. Commissioners requested confirmation of the entry points and shared access locations. They requested for ingress and egress to be provided on the plat. The applicant confirmed they have a shared access agreement with the orthodontist office.

Recommendations:

Staff recommends granting conditional use approval for White Pine Dental with the following conditions:

1. Site parking lights need to be Herriman City Standard lights.
2. Need cross access easement for shared drive onto adjacent lot to the north.
3. Long-term storm water maintenance agreement with City of Herriman required before occupancy.
4. Install landscape parking islands at one per ten parking stalls. Work with staff to ensure the landscape standards are met.
5. Provide amenities for on site bicycle parking.
6. No signs are approved with this request, separate approval will be required. No signs are allowed on public property. All signs must be located on private property.
7. **Coordinate the design of precast or masonry fencing with future commercial projects to the northeast.**

Commissioner Jackson Ferguson MOVED to approve item 3.1 file number C2021-017 Conditional Use for White Pine Dental Site Plan with six staff recommendations and add recommendation # 7 that the fencing be coordinated with future commercial projects to the northeast. Commissioner Brody Rypien SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Joy Kaseke</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>

The motion passed unanimously.

3.2. Request: Preliminary Plat for Midas Crossing Commercial Plat 2

Applicant: Larry Myler (authorized agent)

Address: 12600 S Herriman Main Street

Zone: C-2 (Community Commercial) with ZC (zoning conditions)

Acres: 7.79 ±

File Number: S2021-016

Planner I Nick Whitaker reviewed the request for nine commercial lots and one lot which would be a city pump location. Staff recommended for Lot 13 to be dedicated as a public utility easement. Staff requested for the item to be continued and re-noticed. All the staff recommendations were reviewed. Commissioners requested the word consider be changed to require in staff recommendation 1.C. They also said to make sure the perimeter sidewalk was completed during the subdivision phase of development.

Applicant Larry Myler offered to answer questions and said the new car wash would draw traffic to the area.

Commissioner Adam Jacobson MOVED to continue item 3.2 file number S2021-016 Preliminary Plat for Midas Crossing Commercial Plat 2 with staff recommendations. Commissioner Joy Kaseke SECONDED the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson Aye

Commissioner Joy Kaseke Aye

Commissioner Jackson Ferguson Aye

Commissioner Andrea Bradford Aye

Commissioner Andy Powell Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

3.3. Request: Conditional Use for Gorilla Car Wash

Applicant: Joseph Earnest (authorized agent)

Address: 12578 S Herriman Main Street

Zone: C-2 (Community Commercial) with ZC (zoning conditions)

Acres: 1.38± acres

File Number: C2020-085

Planning Manager Clint Spencer reviewed the proposal to construct a 4,904 square foot car wash with twenty-seven vacuum stalls in the C-2ZC zone. The applicant requested a five-foot reduction of setback adjacent to the north side of the public street. The five-foot sidewalk along the south lot line was a recommendation, not a requirement. An ADA compliant pathway from the street to the building was requested by engineering. The building was proposed to be mostly brick with some stucco and metal siding. Material would be similar to the existing Gorilla Car Wash in Herriman. Staff recommended columns to provide architectural interest. The car wash was compatible with surrounding zoning conditions. Zoning compliance issues involved the side yard adjacent to the street was 20 feet but could be reduced to fifteen feet if certain conditions were met. Water efficiency standards were adopted after this application was submitted. They were vested under the previous standard however per Utah State Code the Commission could require the applicant to comply with the new water efficiency standards. The Commission would need to find compelling public interest to require compliance with the new standard. Zoning compliance required one tree per 500 square feet and 16 additional trees were

needed for landscaping plan compliance. The current plan contained the necessary number of trees, but some were in the landscaped island which did not count towards the total. The staff recommendations for approval were reviewed.

Applicant Joseph Earnest approached the podium and said the owner was looking forward to opening another Herriman location, and they were willing to work with the City to meet the conditions of approval. They did not think they should be required to comply with the new water efficiency standards. He stated washing vehicles at this car wash used fewer gallons of water than washing them at home. They provided 26% landscaping but were concerned that too many trees may block views and traffic sightlines in the parking lot. The site was primarily vehicular. They did not think it was possible to comply with the tree location recommended on requirement number eight. He also offered the opinion that number ten, regarding the additional right of way should not apply to the car wash. They felt there were plenty of pedestrian walkways and would prefer to not lose another five feet. This requirement was made of them very recently. The applicant requested relief on requirement number seven and would like number eight stricken. He stated ordinance would allow a fifteen-foot landscaping setback, and they requested a ten-foot setback on the north side as that was an arterial road. If necessary, they would prefer abiding the fifteen feet on the north side and not the five feet on the south. They did not think another sidewalk was needed on the south side and they have already shrunk the site.

Some Commissioners expressed confusion and stated issues still needed to be worked through. They did not think the applicant should be required to comply with the recently implemented water efficiency standards. Some were reluctant to strike requirements and thought staff should enforce City codes. Other Commissioners offered the opinion a compromise could be reached and said the five-foot sidewalk was large enough. Commissioners debated the use of space, connectivity, and the master walkability plan. City Planning Manager Clint Spencer clarified the side yard ordinance provision that allowed reduction to fifteen-foot side yard setbacks. That area could be reduced to fifteen feet with some requirements, and the applicant met the standards to reduce setbacks on the north side of the property. They may not be further reduced. He said the five-foot sidewalk on the south side was only a recommendation and not a requirement. ADA access was required from a public sidewalk to the building and could be provided from existing sidewalks. Engineering staff identified a location, for a path from the building to the west sidewalk, which would be ADA compliant. The extra sixteen trees were required by ordinance. Some Commissioners agreed with the applicant that too many trees blocking corners could create safety issues and discussed options. Commissioners debated the requirements and discussed areas where trees may be located. Per City Attorney Chase Andrizzi informed the Commission they had the authority to waive compliance and allow deviation from the ordinance for the landscape requirement, but not for ADA compliance. Commissioner mentioned adding the ADA access location to the plat. Staff offered the applicant could submit an amendment request for Commission approval if conditions were unable to be met. It was stated water wise landscaping could be recommended but not required. Commissioners discussed the overall picture, issues, and conditions of approval. Commissioners expressed confidence with the ability of the applicant and staff to work together to ensure compliance with the requirements.

Recommendations:

1. The applicant project the proposed stone veneer columns to extend a minimum of six (6) inches from the wall of the building to provide additional architectural variety and wall projections.
2. The applicant receive approval from the Planning Commission to decrease the minimum side yard setback on the north side of the site from twenty (20) to fifteen (15) feet as provided by ordinance.
3. Dumpster elevations are provided showing a minimum six (6) foot wall which materials match the building with a solid gate.
4. Coordinate with City Landscape Architect on ~~required landscaping corrections including implementing~~ recommended landscaping options for Water Efficient design.
5. Get final landscaping approval from the Landscape Architect.
6. Show tree spacing along public streets not to exceed thirty (30) feet on center.
7. Provide an additional sixteen (16) trees on the site.

- 8. Locate tree in eastern parking island.
- 9. No building permits to be issued until Midas Crossing Ph. 2 subdivision is approved.
- 10. Provide ADA access from public street to building.
- 11. Comply with all other ~~Staff comments~~ city standards.

Commissioner Andy Powell MOVED to recommend approval of item 3.3 file number C2020-085 Conditional Use for Gorilla Car Wash with staff recommendations and the following changes, #4 coordinate with City Landscape Architect on recommended corrections to include implementing water efficient design as a recommendation, item #11 change the wording to comply with City standards. Commissioner Brody Rypien SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Joy Kaseke</i>	<i>Aye</i>
<i>Commissioner Adam Jacobson</i>	<i>Aye</i>

The motion passed unanimously.

3.4. Request: Preliminary Plat for the Reserve at Sky Ranch

Applicant: Jeff Neal, The Reserves at Sky Ranch LLC (authorized agent, property owner)

Address: 13374 S Rose Canyon Road

Zone: A-.25 (Agricultural) with ZC (Zoning Conditions) and C-2 (Community Commercial) R-2-10 (Residential), R-2-15 (Residential), and MU-2 (Mixed Use)

Acres: 31.9± acres

File Number: S2020-075

City Planner Michael Maloy presented the request for preliminary subdivision approval to facilitate the development of 60 single-family lots, 1 commercial lot, and 1 lot for stormwater detention. This area was amended to agricultural residential by City Council. Zoning conditions added to this project have a maximum density of 2 units per gross acre and 85% of the lots would be half acre sized to allow for large animals.

The base zone density was 1.8, but the applicant chose three projects to earn bonus density points.

- 1. Dedicating and installing at least a ten-foot park strip behind the sidewalk adjacent to a collector or arterial road.
- 2. Combining two or more properties from different property owners to create one larger project of at least ten acres, and
- 3. providing half acre lots that buffer lots adjacent to larger lots or agricultural uses or zones.

Development Review Committee (DRC) notes were attached to the packet for Commission review. Park strip trees were placed to accommodate anticipated driveway locations. A photo of the proposed fencing wall between the commercial corner and residential was displayed. The previous public hearing was left open, and notices were mailed to affected entities.

Commissioners expressed concerns with the roundabout, access onto lot three and maintenance of the center of the roundabout. City Planner Maloy explained lot three could be adjusted between preliminary and final plat approval to meet engineering standards and safety requirements, if needed. The total number of lots could also decrease, but not increase. As a public dedicated street, the roundabout would be maintained by the City. The

applicant planned to use water wise landscape, which would require minimal maintenance. Commissioner Rypien proposed moving the detention pond to lot three to create a centralized gathering space. The amount and locations of needed drainage were discussed. Commissioners debated the purpose of the roundabout. It was clarified that access to lot three would be near the lot line with lot two, and not be located on the roundabout.

Applicant representative Dave Price with Sky Ranch LLC said they hope to begin construction soon and were working to address all the issues. They originally proposed the detention pond on lot three but were told it needed to be elsewhere to accommodate drainage from lots one and two. He explained the lot three driveway would be on the east side of the lot. They planned to hardscape the roundabout, which required less regular maintenance.

Chair Berbert reviewed the public hearing guidelines and opened the public hearing.

Deputy Recorder Thorpe read the following comment from Wendy Wilson:

I am Wendy Wilson, I just spoke to you regarding the development of a new housing project on approx. 13400 s. 6400 w. I have no issues with the development, building is happening. I do have 2 comments I hope will be considered. 1. This is an area where there are single family homes, I would want the site to offer similar living situations, in other words, please no high or medium density. 2. The infrastructure in regards to the surface streets leading to the crossroads at 13400 s. 6400 w. is horrible. The issues: the cross street, ...right turn, straight through, and left turns lines do not align making it dangerous to execute especially, a left turn. If you are making a left turn from east bound 13400 s., many times you must wait through an entire green left turn arrow before you can turn, requiring you to wait through another cycle of lights. There is no left turn lane, yet a left turn arrow, and that is a huge issue. Also, you can't make a right turn onto westbound 13400 s. from southbound 6400 w unless you are the only car at that part of the intersection. There is no right turn lane. If you try to make a right turn there, you must go through major pot holes, usually mud filled. So you sit and wait until there are no cars ahead of you, Then you can turn left. Only westbound 13400 s, and north bound 6400 w. have left turn lanes, through lanes, and a designated right turn lane. I hope I explained that well enough. I realize when there is construction the builder may make improvements in certain areas. If these improvements are on the agenda, great. If they are not please pass my comments along to whomever needs them. One other issue is the speed limit on 13400 s. Heading west, starting before Smiths, the speed limit is 40mph, at 5600 w, it drops to 35 mph. This is a residential area. Why does it need to change to 25 as you cross 6400 w? It is still a residential area, but a main thoroughfare just like the area where it is 35mph. I also have the thought that 6400 w itself from main to 13400 s. will be improved once the light is installed at main, and the subdivision on the south end is complete. Right now it's the bumpiest street in Herriman. Hopefully that will smoothed out in the near future. Thank you for your time. I have lived in several cities in my life and none of them publicized public input, so I appreciate that Herriman does. I know I could have been more concise with my comments, but not sure how.

Chair Berbert closed the public hearing.

Commissioners debated the roundabout and requested a cul-de-sac instead of a thru street next to lots 43 and 44. They requested the landscaping plan for the roundabout to come back to the Commission for approval. Commissioners expressed concern with two nearby access points to 13400 South. City Planner Maloy talked about dispersing traffic with multiple access points to and from the neighborhood, to reduce conflicts. It was explained an additional access onto 13400 South was added to accommodate the number of access points needed for a sixty-lot subdivision. Commissioners requested road classification for 13400 South. Community Development Director Blake Thomas responded the master plan proposed for it to be a 68-foot, minor collector road. Commissioners emphasized the importance of a bike path along 13400 South. Commissioners identified specific lot numbers that should not be accessed from 13400 South or 6400 West.

Recommendations:

1. Final subdivision plans shall comply with all applicable approval standards as contained within Herriman

2. Final subdivision plans shall comply with all applicable comments provided by the Herriman City Development Review Committee.
3. As per Herriman City Code 10-23-7, park strip trees shall be placed equidistant on 30-foot centers. Where a driveway or other public improvement interferes with the placement of a tree, tree spacing may be minimally adjusted as needed but should avoid the “clumping” or “grouping” of trees.
4. As per Herriman City Code, the applicant shall submit a final fence plan to City staff for review and approval before constructing the subdivision infrastructure.
5. The applicant shall complete a masonry wall between the commercial and residential zones before the first issuance of an occupancy permit within the subdivision.
6. The applicant shall note on the final plat that lots 37, 38, 43, and 44 shall not have access from 13400 South Street, and lot 49 shall not have access from 6400 West Street.
7. Before construction, the applicant shall prepare and resubmit to the Planning Commission a final landscape plan for the roundabout to ensure compliance with City standards, policies, and objectives.

Commissioner Adam Jacobson MOVED to approve item 3.4 file number S2020-075 Preliminary Plat for The Reserve at Sky Ranch, with 5 staff requirements with an additional # 6 to state on the plat it does not allow access off of 13400 South or 6400 West for lots 49, 37, 38, 43 and 44, also add # 7 requirement that the landscaping inside the roundabout come back for Planning Commission approval prior to construction, to develop a plan of what we want there. Commissioner Brody Rypien SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Joy Kaseke</i>	<i>Aye</i>
<i>Commissioner Adam Jacobson</i>	<i>Aye</i>

The motion passed unanimously.

4. Chair and Commission Comment

No comments were offered.

5. Future Meetings

- 5.1 Wednesday, March 24, 2021 – City Council Meeting
- 5.2 Wednesday, March 31, 2021 – Joint City Council / Planning Commission Meeting
- 5.3 Thursday, April 1, 2021 - City Council Meeting

6. Adjournment

Commissioner Andy Powell moved to adjourn the meeting at 9:06 p.m. 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 March 18, 2021. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe

Wendy Thorpe

