



PLANNING COMMISSION MINUTES

Thursday, January 6, 2022
Approved February 17, 2022

The following are the minutes of the Herriman Planning Commission meeting held on **Thursday, January 6, 2022 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: Andy Powell, Brody Rypien, Jackson Ferguson, Heather Garcia, Darryl Fenn, and Forest Sickles

Commissioners Excused: Andrea Bradford, Adam Jacobson

Staff Present: City Planner Michael Maloy, Deputy Recorder Wendy Thorpe, Communications Specialist Mitch Davis, City Attorney Chase Andrizzi, City Engineer Jonathan Bowers, Planner II Sheldon Howa, Economic Development Coordinator Sandra Llewellyn, Planning Manager Clint Spencer, and HPD Deputy Chief Cody Stromberg

1. 6:00 PM - Work Meeting (Fort Herriman Conference Room)

Chair Berbert called the meeting to order at 6:00 p.m.

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

City Planner Michael Maloy informed the Planning Commission that Mayor Lorin Palmer and Councilmember Teddy Hodges were sworn in.

1.2. Review of Agenda Items – Planning Staff

Planner Maloy explained items 3.4 and 3.5 have both been tabled, at the request of the applicants. The public hearings would be rescheduled and re-noticed. The applicant for item 3.2 was delayed and requested that item be moved to the end of the meeting. He explained items 3.1 and 4.1 were inter-related. Neighboring cities allow

therapy as a permitted use. Approval of the text amendment by Council would switch similar items to administrative decisions.

1.3. Discussion of General Plan Amendment and Rezone proposed by the Auto Mall group (Larry Myler w/ Herriman 73 Partners) for property located at 5452 W Herriman Blvd and 5044 W 12560 South (Z2021-148, Z2021-149, and G2021-143) - Michael Maloy, Planning Director

City Planner Maloy introduced Larry Myler, who presented the vision for the properties, should they be rezoned. The Auto Mall concept and service center map were presented. They hoped to include a Java express, Quench It, Seven Brothers, health food store, convenience store, or similar types of businesses in the area near the Garage Grill. He presented the overall concept map and explained the state law ten-mile radius issue, which limited auto dealer locations. They proposed a used vehicle strategy, distributed by brand, with a modern look. He provided the purchase history and timeline of the Auto Mall Concept plan, and identified some City owned areas. They may use land north of Miller Crossing for commercial type flex or warehouse space. The medium and high-density residential areas were identified. Impacted soil would need to be removed prior to residential development, but some commercial projects may be allowed. He briefly explained the process for contaminated soil removal and possible placement locations. Vertically integrated mixed-use projects with underground parking were discussed by some Commissioners. They debated the pros and cons of such developments, and ideal commercial placement. The Commissioners requested more detail regarding the placement of soil in the detention pond. City Engineer Bowers explained that pond was intended to serve residential near Mountain View Corridor; however, due to the placement of recent developments, it was no longer necessary. Drainage runoff in the area was briefly explained. Current zoning areas were defined. Commissioners debated ideal residential housing type locations and requested further research to determine ideal types of buffering. They cautioned against a rezone from agricultural to high density residential and requested input from the parks department regarding ideal placement for parks and trails. Applicant Myler reviewed feedback received at the neighborhood meeting. Residents expressed concern about the placement of three-story homes, increased density, setbacks from northernmost existing residential, walking routes, safe removal of contaminated soil, and traffic concerns. The applicant mentioned the inclusion of large driveways, lots of visitor parking, a central park area and pickleball courts. He displayed the type of three-story single-family homes, possible accessory apartment locations, and parking placement.

1.4. Discussion of Objective Standards for Conditional Use Permit Applications - Planning Staff

City Planner Maloy stated the standards had been distributed with the packet. The next steps involved reviewing the proposed amendments.

The Commission adjourned by consensus at 6:59 p.m.

2. 7:00 PM - Regular Planning Commission Meeting

Chair Chris Berbert called the meeting to order at 7:06 p.m.

2.1. Invocation, Thought, Reading and/or Pledge of Allegiance

Commissioner Jackson Ferguson led the audience in the Pledge of Allegiance.

2.2. Roll Call

Full Quorum Present.

2.3. Conflicts of Interest

No conflicts of interest were reported.

2.4. Approval of Minutes for the November 18, 2021 Planning Commission Meeting

Commissioner Garcia MOVED to approved Item 2.4 Approval of the corrected Minutes for the November 18, 2021, Planning Commission Meetings, Commissioner Sickles SECONDED, and all voted aye.

Chair Berbert announced the applicant for item 3.2 requested that item be moved to the end of tonight's meeting. The applicants for items 3.4 and 3.5 requested their items be tabled tonight.

3. 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.

3.1. Request of Approval for the Conditional Use expansion for Monarch Family Counseling Located at 5629 & 5631 West 13100 South in Herriman in the C-2 Zone (Commercial)

Applicant: Sarah Stroup

Acre: ± 1.84

File: C2021-147

City Planner Maloy presented the proposed expansion for Monarch Family Counseling. Outpatient therapy services were currently classified as conditional use, but City Council was considering changing them to permitted use. In 2019, Monarch Family Counseling was approved to come in to the 5629 W unit in the Holiday Plaza Strip Mall. In November of 2021, it came to the attention of the City that they were expanding into the adjacent unit without a building permit or conditional use approval. Medical use was a conditional use in the C-2 zone and therefore needed approval from the Planning Commission. The applicant was actively working with Staff to come into compliance by both applying for a building permit and conditional use approval.

Currently Monarch Family Counseling had about 941 square feet. By expanding into the adjacent unit, they would add an additional 2081 square feet. When the Holiday Plaza Strip Mall was originally approved, there was a condition that a cross access parking agreement between the strip mall and Holiday Oil gas station be provided to meet parking requirements. This new expansion fell under this parking agreement as well.

John Linton, representative of the property owner, Wagstaff Investments, LLC stated he was not speaking on behalf of Monarch Family Counseling. He objected entirely to the process to get to this point. He said City staff threatened to shut down businesses because the medical use definition did not include mental health services. He agreed with the conditional use and zone text change. He requested an audit of every business in the city to see if they comply, as he thought some businesses were being targeted. He hoped this would not happen to other city businesses. Chair Berbert recommended he voice his concerns to City Council.

City Planner Maloy thanked him for raising awareness of the problem.

Commissioner Powell MOVED to approve the conditional use expansion for Monarch Family Counseling Located at 5629 & 5631 West 13100 South in Herriman in the C-2 Zone (Commercial). Commissioner Garcia SECONDED the motion.

The vote was recorded as follows:

Commissioner Brody Rypien Aye

Commissioner Forest Sickles Aye

Commissioner Heather Garcia Aye

Commissioner Jackson Ferguson Aye

Commissioner Darryl Fenn Aye

Commissioner Andy Powell Aye

The motion passed unanimously.

3.2. Request of Approval for the Conditional Use of a Soil Processing Operation for Huskie'z Landscaping, Inc.

Applicant: Zachary Hinckley (owner)

Acres: ± 2.84

File Number: C2020-020

Item 3.2 was moved to the end of the meeting. Discussion took place after item 4.1.

3.3. Request of Approval for the Conditional Use for a Chlorination Station Located at 5601 Emmeline Dr in the A-1 Zone (Residential)

Applicant: Shane K. Swensen, PE, Jordan Valley Water Conservancy District

Zone: R-1-15 (Residential)

Acres: ± 4.0

File Number: C2021-137

Planning Manager Clint Spencer explained the applicant requested to construct a permanent building to protect and screen an existing chlorination station. For over twenty years the property has contained a buried tank reservoir used for water storage. A few years ago, a temporary trailer was placed on this site to boost the residual chlorine in the water system, which was a requirement in all portable water systems. This new proposed building would replace the temporary trailer. The proposed design of this permanent structure matched the existing Herriman booster station that was located just north of this location. This parcel was in the A-1 Zone and the proposed plans met all setback and restrictions. The applicant will reseed all the disturbed areas on this parcel to match the existing land.

Shane Swensen, Engineering Department Manager for Jordan Valley Water Conservancy District offered to answer questions. He explained code required chlorination stations, and it was their intention to replace the temporary trailer with a permanent structure, in a fenced, secure site.

Commissioner Garcia MOVED to approve item 3.3 Conditional Use for a Chlorination Station Located at 5601 Emmeline Dr in the A-1 Zone. Commissioner Ferguson SECONDED the motion.

The vote was recorded as follows:

Commissioner Andy Powell Aye

Commissioner Jackson Ferguson *Aye*
Commissioner Brody Rypien *Aye*
Commissioner Heather Garcia *Aye*
Commissioner Darryl Fenn *Aye*
Commissioner Forest Sickles *Aye*

The motion passed unanimously.

3.4. Request to Amend the Requirements of Approval for the Hidden Oaks, Pod 1, Ph 2 Subdivision at 6710 W Herriman Main Street in the R-1-15 Zone (Residential) (Public Hearing)
Applicant: Dan Reeve (authorized agent for Perry Homes)

Acres: ± 11.82

File Number: S2021-144

Item 3.4 was continued at the request of the applicant, all comments received by the planning department were forwarded to the Commission, and the public hearing would be re-noticed.

Commissioner Garcia MOVED to continue item 3.4 to Amend the Requirements of Approval for the Hidden Oaks, Pod1, Ph 2 Subdivision at 6710 W Herriman Main Street in the R-1-15 Zone. Commissioner Palmer SECONDED the motion.

The vote was recorded as follows:

Commissioner Brody Rypien *Aye*
Commissioner Forest Sickles *Aye*
Commissioner Heather Garcia *Aye*
Commissioner Andy Powell *Aye*
Commissioner Darryl Fenn *Aye*
Commissioner Jackson Ferguson *Aye*

The motion passed unanimously.

3.5. Request to amend the Requirements of Approval for the Hidden Oaks, Pod 2 Subdivision at 6973 W 13090 South in the R-1-15 Zone (Residential) (Public Hearing)

Applicant: James Horsley w/ Riverside Development, LLC (authorized agent)

Acres: ± 7.82

File Number: S2021-146

Item 3.5 was continued at the request of the applicant, all comments received by the planning department were forwarded to the Commission, and the public hearing would be re-noticed.

Commissioner Garcia MOVED to continue item 3.5 to amend the Requirements of Approval for the Hidden Oaks, Pod 2 Subdivision at 6973 W 13090 South in the R-1-15 Zone. Commissioner Powell SECONDED the motion.

The vote was recorded as follows:

Commissioner Brody Rypien *Aye*
Commissioner Forest Sickles *Aye*
Commissioner Heather Garcia *Aye*
Commissioner Andy Powell *Aye*

Commissioner Darryl Fenn *Aye*

Commissioner Jackson Ferguson *Aye*

The motion passed unanimously.

4. 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.

4.1. Request for a Text Amendment to Permit Medical Services in the C-2 Commercial Zone (Public Hearing)

Applicant: Herriman City

File Number: Z2021-151

Planner II Howa reviewed the request for a text amendment to permit medical services in the commercial zone. Staff proposed the following changes to Title 10 of the City ordinance:

1. Amend 10-3-6 Definitions to include “licensed, accredited massage therapists; licensed physical therapists; and psychotherapists” as a services listed under the current definition of a “Medical Service”.
2. 10-16-1 “Land Use Table”
 - a. Amend “Medical Service” from a “Conditional Use” to a “Permitted Use” in the C-2 Commercial zone.
3. 10-24-12 “Parking Schedule”
 - a. Amend the parking requirement for “Medical Service” from a “6 spaces for each doctor’s office” to “1 space per 250 square feet of floor area”.

The current ordinance required six parking stalls per doctor’s office. This parking requirement did not clearly define a parking standard for Medical Services for providers other than a doctor or physician. Staff proposed adding language to clarify parking space requirements for licensed practitioners, such as licensed social workers or therapists. Staff recommended amending the parking requirement based on a square footage. This would also ensure, if the use was to add additional doctor’s offices in the future, parking would be adequate for the expansion. Based on data pulled from other cities, staff has found one stall per 250 square feet of floor area to be reasonable. To reduce the ambiguity of the current definition of Medical Service, staff recommended adding language to provide clarity to the definition.

Chair Berbert opened the public hearing.

No comments were offered.

Chair Berbert closed the public hearing.

Commissioners discussed and agreed one stall per 250 square feet of floor was adequate. They agreed this was a useful clarification.

Commissioner Ferguson MOVED to recommend approval to the City Council for a Text Amendment to Permit Medical Services in the C-2 Commercial Zone, and allow one parking stall per 250 square feet of office space. Commissioner Forest SECONDED the motion.

The vote was recorded as follows:

Commissioner Forest Sickles	<i>Aye</i>
Commissioner Darryl Fenn	<i>Aye</i>
Commissioner Heather Garcia	<i>Aye</i>
Commissioner Brody Rypien	<i>Aye</i>
Commissioner Jackson Ferguson	<i>Aye</i>
Commissioner Andy Powell	<i>Aye</i>

The motion passed unanimously.

3.2 Request of Approval for the Conditional Use of a Soil Processing Operation for Huskie'z Landscaping, Inc.

Applicant: Zachary Hinckley (owner)

Acres: ± 2.84

File Number: C2020-020

Item 3.2 was moved to the end of the meeting and discussed after item 4.1.

Planner Sheldon Howa explained the applicant requested approval of soil processing for Huskie'z Landscaping, Inc. on a 2.84 ± acre site, which consisted of two contiguous parcels located at 16476 & 16536 S Redwood Road and was zoned M-1 Manufacturing. Access onto Redwood Road, material storage and load/unload areas were identified. No permanent structures were planned. The applicant requested waiver of strict compliance to reduce the landscape buffer from twenty to fifteen feet, due to site elevation. He explained they further requested a reduction of the landscaping requirement from ten percent to eight percent, and reduction for required trees on the lot. Trees would be provided on the landscape buffer. No water, power or sewer were provided onsite. Welby Jacobs canal access was pending. The request proposed water storage in tanks or trucks for dust mitigation. Portable lavatories and handwashing stations would be provided. Staff recommended a masonry wall, instead of chain link fencing. UDOT access agreements were required in writing for access rights. The track out pad was onsite already, along with gravel access roads. Commissioners requested UDOT access agreements be provided prior to approval, and expressed reluctance to reduce landscaping requirements.

Applicant Zachary Hinckley was not present.

City Attorney Andrizzi recommended continuing the item.

Commissioner Garcia MOVED to continue the conditional use of a Soil Processing Operation for Huskie'z Landscaping, Inc.
Commissioner Ferguson SECONDED the motion.

The vote was recorded as follows:

Commissioner Jackson Ferguson	<i>Aye</i>
Commissioner Darryl Fenn	<i>Aye</i>
Commissioner Andy Powell	<i>Aye</i>
Commissioner Heather Garcia	<i>Aye</i>

Commissioner Forest Sickles Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

5. Chair and Commission Comments

City Planner Maloy thanked Commissioners for reporting their training. He also informed them attendance of twelve meetings per year equaled one hour of training. As such, many Commissioners exceeded the training requirement for 2021.

6. Future Meetings

Wednesday, January 12, 2022 - City Council Meeting

Thursday, January 20, 2022 - Planning Commission Meeting

Wednesday, January 26, 2022 – City Council Meeting

7. Adjournment

Commissioner Powell moved to adjourn the meeting at 7:56 p.m. and all voted aye.

I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 6, 2022. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Wendy Thorpe, CMC
Deputy City Recorder